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SUPPLEMENT

TO THE FOURTH EDITION OF

THE

MILITARY LAWS OF THE UNITED

SHOWING CHANGES TO JUNE 1, 190

WITH

APPENDICES.

Prepared under the direction of the honorable William H. Taft, Sec
by Major John Biddle Porter, Judge-Advocate, United State

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1904.

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TO THE FOURTH EDITION OF

THE

MILITARY LAWS OF THE UNITED STATE

SHOWING CHANGES TO JUNE 1, 1904,

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Prepared under the direction of the honorable William H. Taft, Secretary of W
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WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1904.

WAR DEPARTMENT,

Document No. 233.

Office of the Judge-Advocate General.

1154

SUPPLEMENT

TO THE

MILITARY LAWS OF THE UNITED STATES.

The chapters and paragraphs of this Supplement have been numbered to conform as closely as possible to the chapters and paragraphs of the Military Laws, containing the same general subject-matter.

New material has required two additional chapters in the Supplement—one (Chapter XLVIII) containing the legislation in regard to the General Staff Corps, and the other (Chapter XLIX) containing such legislation by the Philippine government as affects the Army.

All paragraphs referred to, unless otherwise stated, are those of the Military Laws of the United States (fourth edition) or of this Supplement.

Appendices A and B contain, respectively, The Hague conventions of 1899, relating to "Maritime warfare" and the "Laws and customs of war on land."

130233

ERRATA.

MILITARY LAWS OF THE UNITED STATES, 1901.

(Fourth edition.)

Page 35. Paragraph 87 is repealed by section 8 of the act of March 2, 1895 (28 Stats., 808).

Page 185. Insert under line 4 from top of page the words "A Judge-Advocate-General's Department."

Page 232. In marginal note to paragraph 615, read Chapter "131," instead of Chapter "130."

Page 233. In marginal note to paragraph 618, read v. "30," p. 721, instead of v. "50," p. 721.

Page 253. Insert in lines 2 and 3 of paragraph 662, instead of the words "during the active service of the present incumbent of the office, and with the rank of brigadier-general thereafter," the words "and when a vacancy shall occur in the office of Adjutant-General on the expiration of service of the present incumbent, by retirement or otherwise, the Adjutant-General shall thereafter have the rank and pay of a brigadier-general."

Page 255. In second citation to paragraph 671, read (30 Stat. L., "978"), instead of (30 Stat. L., "977").

Page 323. For the number to the paragraph following paragraph 830, which has been omitted, read "831."

Page 325. In act cited at end of paragraph 839, read ("31" Stat. L., 901), instead of ("30" Stat. L., 901).

Page 339. In date of act cited at end of paragraph 871, read March 2, "1899," instead of March 2, "1889."

Page 416. In marginal note to paragraph 1112, read sec. 4, August "18," 1894, instead of sec. 4, August "17," 1894.

Page 417. In date of act cited at end of paragraph 1113, read August "18," 1894, instead of August "17," 1894.

Page 420. In date of act cited at end of paragraph 1116, read August "18," 1894, instead of August "17," 1894, and make corresponding change in marginal note thereto.

Page 505. In citations of statute to paragraph 1354, read (21 Stat. L., "603"), instead of (21 Stat. L., "80"); and make corresponding change in marginal note thereto. *See note on this statute, in Supplement to the Revised Statutes, volume 2, page 140.*

Page 538. In paragraph 1440, second line, read "two" first lieutenants, instead of "one" first lieutenant.

Page 543. In subdivision to chapter 31 read "1468. The commandant of cadets," instead of "1468. The same, pay and allowances;" and to the number following, on same page, read "1469. Superintendent and commandant, pay of," instead of "1469. The commandant of cadets."

Page 648. After line fifteen of paragraph 1693, for "1901" insert "1887," and make corresponding change in marginal note.

Page 917. In subdivision to chapter 44 read—

"2366, 2367, 2368, 2369. Purchases.
2370. State monuments.
2371. Erection of monuments, restriction.
2372. The same, construction.
2373. The same, location.
2374. Leases.
2375. Donation of land for roads.
2376. Donations of cannon, balls, etc.
2377. Injuries to monuments, trees, etc.
2378. Right of way to Chattanooga Rapid Transit Railroad."

Page 928. In last line of paragraph 2383 read "eighteen hundred and ninety-four," instead of "eight hundred and ninety-four."

Page 954. In marginal note to paragraph 2448 read: July "24," instead of July "14."

Page 1130. After "*Extradition: enforcement of*," read "2090–2093," instead of "2080–2083."

Page 1135. After "*Military Storekeepers:*" subsubject "*ordnance*," read "807," instead of "1169–1171."

Page 1136. After "*Militia*," subsubject "*property returns*," read "1695," instead of "1690."

CHAPTER II.

PROVISIONS APPLICABLE TO THE SEVERAL EXECUTIVE DEPARTMENTS.

CONTINGENT FUNDS.

56a. Section one hundred and ninety-two, Revised Statutes,[1] shall not apply to the subscriptions to newspapers by the military information division for the fiscal years ending June thirtieth, nineteen hundred, June thirtieth, nineteen hundred and one, June thirtieth, nineteen hundred and two, June thirtieth, nineteen hundred and three, and thereafter. *Act of March 2, 1903 (32 Stats., 929).*

(This modifies paragraph 56.)

58a. For contingent expenses of the military information division, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad, and of the branch office of the Military Information Division at Manila, to be expended under the direction of the Secretary of War, ten thousand dollars: *Provided*, That section thirty-six hundred and forty-eight, Revised Statutes,[2] shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation. *Act of April 23, 1904 (33 Stats., 260).*

(This provision now appears annually in the appropriation act for the support of the Army. It has the effect of modifying paragraph 617.)

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[1] SEC. 192, R. S. The amount expended in any one year for newspapers, for any Department, except the Department of State, including all the Bureaus and offices connected therewith, shall not exceed one hundred dollars. And all newspapers purchased with the public money for the use of either of the Departments must be reserved as files for such Department.

[2] SEC. 3648, R. S. No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected.

ESTIMATES.

68a. The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any Executive Department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same. *Act of June 28, 1902 (32 Stats., 481).*

MISCELLANEOUS REQUIREMENTS.

100a. No part of any money appropriated by this Act shall be used for purchase, maintaining, driving, or operating any carriage or other vehicle, other than those authorized for personal purposes in section two of the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and five, unless the same shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used. *Sec. 3, Act of April 28, 1904 (33 Stats., 513).*

CHAPTER III.

The Department of War.

DUTIES OF THE SECRETARY OF WAR.

126a. No steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained. *Act of March 2, 1903 (32 Stats., 938).*

126b. No action looking to the discontinuance of the transport service shall be taken without further action of Congress. *Act of March 2, 1903 (32 Stats., 939).*

126c. On and after July first, nineteen hundred and six, no merchandise except supplies for the Army or Navy shall be transported by sea, under penalty of forfeiture thereof, between ports of the United States and ports or places in the Philippine Archipelago, directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel between any port of the United States and any port or place in the Philippine Archipelago: *Provided*, That no merchandise other than that imported

in such vessel from some foreign port which has been specified on the manifest as for another port, and which shall not have been unloaded, shall be carried between a port of the United States and a port or place in the Philippine Archipelago. *Sec. 1, Act of April 15, 1904 (33 Stats., 181).*

126d. Vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: *Provided*, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies. *Act of April 28, 1904 (33 Stats., 518).*

CONGRESS OF NATIONS.

141a. The sum of three thousand dollars a year is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support and maintenance of the permanent international commission of the congresses of navigation and for the payment of the actual expenses of the properly accredited national delegates of the United States to the meetings of the congresses and of the commission; and that the Secretary of War be, and is hereby, authorized to draw his warrant each year upon the Secretary of the Treasury for such sum, not to exceed three thousand dollars, as may in his opinion be proper to apply to the purposes above mentioned, and that the said sum shall be disbursed under such regulations as may be prescribed by the Secretary of War.

The national delegates aforesaid from the United States shall serve without compensation, but shall be reimbursed for their actual expenses incurred while traveling to and from the meetings, and while in attendance thereon, from the funds herein appropriated and authorized to be expended. *Act of June 28, 1902 (32 Stats., 485).*

BUREAU OF INSULAR AFFAIRS.

141b. The Division of Insular Affairs of the War Department, organized by the Secretary of War, is hereby continued until otherwise provided, and shall hereafter be known as the Bureau of Insular Affairs of the War Department. The business assigned to said Bureau shall embrace all matters pertaining to civil government in the island
[illegible]ions of the United States subject to the jurisdiction of the War
[illegible]and the Secretary of War is hereby authorized to detail
[illegible]my whom he may consider especially well qualified,

to act under the authority of the Secretary of War as the chief of said Bureau; and said officer while acting under said detail shall have the rank, pay, and allowances of a colonel. *Sec. 87, Act of July 1, 1902 (32 Stats., 712).*

CHAPTER V.

THE DEPARTMENT OF THE TREASURY—THE ACCOUNTING OFFICERS.

DESIGNATED DEPOSITORIES.

290a. The treasury of the Philippine Islands and such banking associations in said islands with a paid up capital of not less than two million dollars and chartered by the United States or any State thereof as may be designated by the Secretary of War and the Secretary of the Treasury of the United States shall be depositories of public money of the United States, subject to the provisions of existing law governing such depositories in the United States: *Provided*, That the treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War. *Sec. 85, Act of July 1, 1902 (32 Stats., 711).*

CHAPTER VII.

THE DEPARTMENT OF JUSTICE—HABEAS CORPUS—THE COURT OF CLAIMS.

HABEAS CORPUS.

361a. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, with the approval of the Philippine Commission, wherever during such period the necessity for such suspension shall exist. *Sec. 5, Act of July 1, 1902 (32 Stats., 692).*

(This paragraph applies to the Philippine Islands, being a part of the "Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.")

CHAPTER XI.

THE MILITARY ESTABLISHMENT—GENERAL PROVISIONS OF ORGANIZATION.

NATIVE TROOPS—TROOPS IN THE PHILIPPINE ISLANDS.

501a. Any companies of Philippine scouts ordered to assist the Philippine constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided: *Provided*, That when the Philippine scouts shall be ordered to assist the Philippine constabulary, said scouts shall not at any time be placed under the command of inspectors or other officers of the constabulary below the grade of assistant chief of constabulary. *Sec. 2, Act of January 30, 1903 (32 Stats., 783).*

THE PORTO RICAN REGIMENT.

505a. Citizens of Porto Rico shall be eligible for enlistment in the Regular Army and the Porto Rico Regiment may be ordered for service outside of the island of Porto Rico. *Act of March 2, 1903 (32 Stats., 934).*

(This amplifies paragraphs 671 and 1366 in regard to enlistments.)

505b. For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each, to include the enlisted men of the present regiment who may be in the service June thirtieth, nineteen hundred and four, and officers as herein provided. The field officers shall be detailed from the officers of the Regular Army of the same grade and shall receive the pay and emoluments of their grade. The present officers of the regiment below the grade of field officers who are mentally, morally, and physically qualified and have proved efficient in their respective positions may be reappointed by the President, by and with the advice and consent of the Senate (and such officers shall be entitled to preference in such appointments) for a provisional term of four years. Officers so reappointed shall be eligible for promotion in the regiment up to and including the rank of captain, upon examination as to their fitness for such promotion. Vacancies then existing or thereafter occurring in the grade of second lieutenant may be filled by the President, in his discretion, by and with the advice and consent of the Senate, by the appointment of citizens of Porto Rico for the provisional term of four years, whose qualifications for commissions shall be established by such examination as the President may prescribe, who shall also be eligible for promotion in the regiment up to and including the rank of captain, upon an examination as to their fitness. Vacancies not filled as hereinbefore provided

by the reappointment or promotion of the present officers or by the appointment or promotion of citizens of Porto Rico, shall be filled by detail from the line of the infantry of the Army of the same grade with the vacancy to be filled. Men hereafter enlisted in the regiment shall be citizens of Porto Rico and shall be enlisted for a term of two years; and except in the case of noncommissioned officers shall not be reenlisted in time of peace. The names of all enlisted men who have served honorably in the regiment shall be kept at the headquarters of the regiment, and these men shall be regarded as a reserve, to be specially considered in time of war. The pay and allowances of officers and enlisted men of the regiment shall be the same as authorized for like grades in the Regular Army. *Act of April 23, 1904 (33 Stats., 266).*

(This paragraph alters the provision of paragraph 505.)

THE VOLUNTEER ARMY.

518a. All the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the Act entitled "An Act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April twenty-second, eighteen hundred and ninety-eight. *Sec. 24, Act of January 21, 1903 (32 Stats., 780).*

(This paragraph has reference to the "Act to promote the efficiency of the militia, and for other purposes." The provisions of this Act are incorporated, in this supplement, in the chapter entitled "Militia," excepting section 23 of the Act which belongs more properly to the "Volunteer Army" and which will be found in this supplement as paragraph 522a.)

522a. For the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided. Such examinations

shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute an eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class, to attend and pursue a regular course of study at any military school or college of the United States other than the Military Academy at West Point and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this Act for officers of the organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of thirty; as first lieutenant after he shall have passed the age of thirty-five; as captain after he shall have passed the age of forty; as major after he shall have passed the age of forty-five; as lieutenant-colonel after he shall have passed the age of fifty, or as colonel after he shall have passed the age of fifty-five: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory. *Sec. 23, Act of January 21, 1903 (32 Stats., 779).*

CHAPTER XIII.

RANK AND COMMAND—TACTICAL AND TERRITORAL ORGANIZATIONS.

CLERKS AND MESSENGERS.

572a. Pay to clerks and messengers at headquarters of division and departments and office of the Chief of Staff.

One chief clerk, at the office of the Chief of Staff, two thousand dollars per annum.

Four clerks, at one thousand eight hundred dollars each per annum.

Ten clerks, at one thousand six hundred dollars each per annum.

Twenty-five clerks, at one thousand four hundred dollars each per annum.

Sixty-five clerks, at one thousand two hundred dollars each per annum.

Eighty-six clerks, at one thousand dollars each per annum.

Sixty-eight general-service messengers, at seven hundred and twenty dollars each per annum.

In all, two hundred and seventy-three thousand one hundred and sixty dollars. *Act of April 23, 1904 (33 Stats., 261).*

(This paragraph amends paragraph 572 by providing for the clerks needed under the new organization for the General Staff and for military divisions.)

CHAPTER XIV.

THE STAFF DEPARTMENTS—GENERAL PROVISIONS—DISBURSING OFFICERS.

APPOINTMENTS AND DETAILS.

577a. No officer hereafter detailed or appointed under the provisions of section twenty-six of the Act of February second, nineteen hundred and one, who has less than four years to serve from the date of his detail or appointment to the date of his retirement shall serve under such detail or appointment or be paid as if on the active list beyond the date of his retirement. *Act of June 30, 1902 (32 Stats., 509).*

SETTLEMENT OF ACCOUNTS ARISING DURING THE SPANISH-AMERICAN WAR.

605a. The proper accounting officers of the Treasury are hereby, directed, in the settlement of the accounts of disbursing officers of the War Department, arising between the twenty-first day of April, eighteen hundred and ninety-eight, from which date war with Spain is declared to have existed, and the eighth day of July, nineteen hundred and one, inclusive, the date on which the last organization of the Volunteer Army was mustered out of the service of the United States, to allow such credits for payments and for losses of funds, vouchers, and property as may be recommended under authority of the Secretary of War by the heads of the military bureaus to which such accounts respectively pertain. *Sec. 1, act of March 3, 1903 (32 Stats., 955).*

605b. The accounts of military officers, whether of the line or staff, for Government property charged to them, shall be closed by the proper accounting officers whenever, in the judgment of the Secretary of War, it will be for the interest of the United States to do so:

Provided, That such accounts originated subsequent to April twenty-first, eighteen hundred and ninety-eight, and prior to the ninth day of July, nineteen hundred and one: *Provided further*, That no settlement shall be made by the officers of the Treasury, under this act, of the accounts of any officer whose combined responsibility for public money and Government property shall exceed the sum of five thousand dollars, and only of such officers of the Army in whose accounts there is no apparent fraud against the United States: *And provided further*, That this act shall remain in force for two years from and after its passage, and no longer. *Sec. 2, act of March 3, 1903 (32 Stats., 956).*

DEPOSIT AND SAFE-KEEPING OF THE PUBLIC MONEY.

607a. All funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines shall be deposited in the Treasury of the United States and remain available during the fiscal year nineteen hundred and five for the procurement of like military stores to replace those so transferred. *Act of April 23, 1904 (33 Stats., 275).*

FORMS OF KEEPING AND RENDERING ACCOUNTS.

635a. Hereafter, in all payments to be made under the provisions of army appropriation acts, when the rate of compensation is annual, payment shall be made monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this Act each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less. *Act of March 2, 1903 (32 Stats., 934).*

(See Circular 33, War Department, 1904.)

635b. The annual compensation of officers, agents, and employees of the United States for services rendered subsequent to June thirtieth, nineteen hundred and four, shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month, one-thirtieth of one of such installments, or of a monthly compensation, shall be the rate to be paid for each day. For the purpose of computing such compensation each and every month shall be held to consist of thirty days, without regard to the actual number of days in any month, thus excluding the thirty-first day of any month from the computation, and treating February as if it actually had thirty days. *Sec. 4, act of April 28, 1904 (33 Stats., 513).*

(See Circular 33, War Department, 1904.)

CHAPTER XV.

THE ADJUTANT-GENERAL'S DEPARTMENT.

663a. The officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the Record and Pension Office shall hereafter constitute one department of the Army, to be known as the Military Secretary's Department; and the Adjutant-General's Office and the Record and Pension Office, heretofore constituting bureaus of the War Department, shall hereafter constitute a consolidated bureau to be known as the Military Secretary's Office of the War Department. The officers so consolidated shall be borne on one list in the order of rank held by them, and those of them who hold permanent appointments as officers of the Adjutant-General's Department or of the Record and Pension Office shall be entitled to promotion below the grade of brigadier-general, as now provided by law and in the order of their standing on said list. Except as otherwise provided herein, the laws now in force shall continue to govern the appointment, promotion, and detail of all officers of the consolidated department hereby created: *Provided*, That the officers of the said consolidated department shall be subject to the supervision of the Chief of Staff in all matters pertaining to the command, discipline, or administration of the existing military establishment: *Provided further*, That no appointments or details to the grade of assistant adjutant-general with the rank of major shall be made until the number of officers of that grade shall be reduced to less than ten, and thereafter the number of officers of said grade in the consolidated department shall be ten: *Provided further*, That of the officers consolidated as hereinbefore provided the senior in rank, who shall be chief of the consolidated department and the title of whose office is hereby changed to that of the military secretary, shall hereafter have the rank of major-general, and the second senior of said officers shall hereafter have the rank of brigadier-general: *Provided further*, That when the office of Military Secretary with the rank of major-general shall hereafter become vacant, it shall not be filled with said rank, and thereafter the chief of the Military Secretary's Department shall have the rank of a brigadier-general with the title of The Military Secretary, and there shall be only one officer above the rank of colonel in the said department. Except as hereinafter provided, the remaining offices of the consolidated department shall retain the titles that they now bear: *Provided further*, That when the office of Adjutant-General shall become vacant the vacancy so created on the active list of the Army shall not be filled, and thereafter the several officers now designated by the title assistant adjutant-general and by the title assistant chief of the Record and Pension Office

shall be designated by the title Military Secretary. *Act of April 23, 1904 (33 Stats., 262).*

(This paragraph merges the Adjutant-General's Department with the Record and Pension Office; the Military Secretary's Department assuming the duties heretofore appertaining to both. The laws applicable to the Adjutant-General's Department and to the Record and Pension Office are now applicable to the Military Secretary's Department, except where otherwise provided. See Chapter XXV, Military Laws of the United States, "The Record and Pension Office.")

663b. Nothing in this Act shall be so construed as to deprive any officer of his commission or to increase the total number of officers of the Army, except as herein specially provided, and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed. *Act of April 23, 1904 (33 Stats., 276).*

663c. Whenever the office of the Adjutant-General and the Record and Pension Office shall be consolidated by operation of law, any appropriation available at the time of such consolidation, or that may thereafter become available, for the support of either of those offices shall be equally available for the support of the bureau formed by the consolidation, and all employees provided by law for either of said offices, except such employees as were transferred by the Secretary of War to the Military Information Division of the General Staff prior to April first, nineteen hundred and four, shall be regarded as employees of the consolidated bureau and shall be exclusively engaged upon the work of that bureau as required in the case of the employees of the Record and Pension Office by the Acts making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal years nineteen hundred and four and nineteen hundred and five. *Act of April 27, 1904 (33 Stats., 401).*

CHAPTER XVII.

The Judge-Advocate General's Department.

694a. Vacancies created or caused by this Act in the grade of major may be filled by appointment of officers holding commissions as judge-advocate of volunteers since April twenty-first, eighteen hundred and ninety-eight. Vacancies which may occur thereafter in the grade of major in the Judge-Advocate-General's Department shall be filled by the appointment of officers of the line, or of persons who have satisfactorily served as judge-advocates of volunteers since April twenty-first, eighteen hundred and ninety-eight, or of persons from civil life who at date of appointment are not over thirty-five years of age and who shall pass a satisfactory examination to be prescribed by the Secretary of War. *Sec. 15, Act of February 2, 1901 (31 Stats. 751).*

(This paragraph takes the place of paragraph 694, from which part of the text was omitted.)

CHAPTER XVIII.

THE QUARTERMASTER'S DEPARTMENT.

PROMOTIONS, TRANSFERS, AND DETAILS.

706a. The military storekeeper now on duty at the White House as doorkeeper to the President may be continued in that employment and shall receive the full pay and allowances of his grade from the date of his retirement until relieved by the President. *Act of June 30, 1902 (32 Stats., 511).*

POST QUARTERMASTER-SERGEANTS.

707a. Two hundred quartermaster-sergeants, at four hundred and eight dollars each. *Act of April 23, 1904 (33 Stats., 261).*

(See paragraph 707.)

THE PROCUREMENT OF SUPPLIES.

715a. For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, to be expended in the discretion and under the direction of the Secretary of War, five hundred thousand dollars: *Provided*, That not more than forty thousand dollars of the above appropriation shall be expended at any one post or station. *Act of April 23, 1904 (33 Stats., 270).*

(See paragraphs 715 and 1551.)

OFFICERS' HORSES.

741a. When a mounted officer of the line is ordered to duty beyond the seas or to make a change of station in the United States in which the cost of transportation for the private horses which he is required to keep exceeds the sum allowed for that purpose in the Army Regulations, the Secretary of War is authorized, under such regulations in respect to inspection and valuation as he may prescribe, to permit the purchase of said horses by the Quartermaster's Department at a price not exceeding the average contract price paid for horses during the preceding fiscal year, from which sum shall be deducted one-seventh of such contract price for each year, or major fraction of a year, which may have elapsed since date of purchase by said officer. *Act of March 2, 1903 (32 Stats., 937).*

CLOTHING AND BEDDING.

750a. For indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April twenty-second, eight-

een hundred and ninety-eight, by order of medical officers of the Army for sanitary reasons, four million dollars. *Act of June 30, 1902, (32 Stats., 517).*

(This provision appears also in subsequent army appropriation acts, and its effect is to broaden the scope of paragraph 750 within certain dates.)

CHAPTER XIX.

THE SUBSISTENCE DEPARTMENT.

POST COMMISSARY-SERGEANTS.

762a. Two hundred post commissary-sergeants, at four hundred and eight dollars each, eighty-one thousand six hundred dollars. *Act of April 23, 1904 (33 Stats., 261).*

(See paragraph 762.)

THE RATION.

769a. For difference between the cost of the ration at twenty-five cents and the cost of rations differing in whole or in part from the ordinary ration, to be issued to enlisted men in camp in the United States during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates (to be expended only under special authority of the Secretary of War); and for ice to organizations of enlisted men stationed at such places as the Secretary of War may determine; in all, seven million dollars, to be expended under the direction of the Secretary of War, and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund. *Act of April 23, 1904 (33 Stats., 268).*

CHAPTER XX.

THE PAY DEPARTMENT.

DUTIES.

801a. All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for by officers of the Pay Department as pay of the Army, and for that purpose shall constitute one fund. *Act of April 23, 1904 (33 Stats., 267).*

801b. Hereafter all payments to the militia under the provisions of section fifteen of the Act of Congress approved January twenty-first, nineteen hundred and three, and all allowances for mileage shall be made solely from the sums herein appropriated for such purposes. *Act of April 23, 1904, (33 Stats., 267).*

(See paragraphs 1662a and 1662b.)

801c. All the accounts of individual paymasters shall be analyzed under the several heads of the appropriation and recorded in detail by the Paymaster-General of the Army before said accounts are forwarded to the Treasury Department for final audit. *Act of April 23, 1904, (33 Stats., 267).*

RETIRED OFFICERS.

824a. No part of this sum shall be used for payment of further increase of longevity pay to officers now on the retired list, and officers hereafter retired from active service shall not be therefrom allowed or paid any increase of longevity pay above the sum allowed and paid to such officers at the date of retirement, unless retired on account of wounds received in battle. *Act of June 30, 1902 (32 Stats., 511).*

824b. Hereafter, except in case of officers retired on account of wounds received in battle, no officer now on the retired list shall be allowed or paid any further increase of longevity pay, and officers hereafter retired, except as herein provided, shall not be allowed or paid any further increase of longevity pay above that which had accrued at date of their retirement. *Act of March 2, 1903 (32 Stats., 932).*

(This paragraph changes the law heretofore existing. See note 5 to paragraph 824.)

MILEAGE TO PAYMASTERS' CLERKS AND TO THE EXPERT ACCOUNTANT OF THE INSPECTOR-GENERAL'S DEPARTMENT.

847a. Hereafter actual expenses only shall be paid to paymasters' clerks and the expert accountant of the Inspector-General's Department for sea travel when traveling on duty to, from, or between our island possessions. *Act of June 30, 1902 (32 Stats., 511).*

(See paragraph 847.)

PAY OF ENLISTED MEN.

862a. Hereafter first-class gunners of field artillery shall receive two dollars per month and second-class gunners one dollar per month in addition to their pay. *Act of April 23, 1904 (33 Stats., 260).*

(See paragraph 1444.)

ADDITIONAL PAY.

865a. Expert riflemen, hereafter qualifying as such, shall receive one dollar a month in addition to their pay. *Act of March 2, 1903 (32 Stats., 929).*

REENLISTMENT AND CONTINUOUS SERVICE PAY.

869a. All enlisted men of the Regular Army who served as commissioned officers of United States Volunteers organized in eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, or

who have served or may be now serving as such in the Porto Rico Provisional Regiment or in the Philippine Scouts, who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous-service pay and to count, in computing the time necessary to enable them to retire, as enlisted men. *Act of March 2, 1903 (32 Stats., 934).*

(See paragraphs 1381 and 1381a.)

CHAPTER XXI.

THE MEDICAL DEPARTMENT.

CONTRACT SURGEONS—DENTAL SURGEONS.

907a. For two hundred and fifty contract surgeons, four hundred and fifty thousand dollars. *Act of April 23, 1904 (33 Stats., 266.)*

(See Paragraph 907.)

909a. Hereafter contract surgeons and contract dental surgeons on duty in Alaska, Hawaii, the Philippine Islands, and Porto Rico may transfer or assign their pay accounts, when due and payable, in the methods now provided by regulations for commissioned officers of the Army. *Act of April 23, 1904 (33 Stats., 266).*

DUTIES.

910a. The Surgeon-General of the Army, the Surgeon-General of the Navy, and the supervising Surgeon-General of the Marine-Hospital Service, are hereby constituted a board with authority, subject to the approval of the Secretary of the Treasury, to promulgate from time to time such rules as may be necessary in the judgment of said board to govern the issue, suspension, and revocation of licenses for the maintenance of establishments for the propagation and preparation of viruses, serums, toxins, antitoxins, and analogous products, applicable to the prevention and cure of diseases of man, intended for sale in the District of Columbia, or to be sent, carried, or brought for sale from any State, Territory, or the District of Columbia, into any other State, Territory, or the District of Columbia, or from the United States into any foreign country, or from any foreign country into the United States: *Provided*, That all licenses issued for the maintenance of establishments for the propagation and preparation in any foreign country of any virus, serum, toxin, antitoxin, or product aforesaid, for sale, barter, or exchange in the United States, shall be issued upon condition that the licentiates will permit the inspection of the establishments where said articles are propagated and prepared, in

accordance with section three of this Act. *Sec. 4, Act of July 1, 1902 (32 Stats., 729).*

910b. There shall be an advisory board for the hygienic laboratory provided by the Act of Congress approved March third, nineteen hundred and one, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of ten dollars per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant. *Sec. 5, Act of July 1, 1902 (32 Stats., 713).*

913a. When a contract surgeon is in charge of a hospital he shall have the same authority as a commissioned medical officer. *Act of April 23, 1904 (33 Stats., 266).*

(See paragraph 907 and note thereto; see also A. R. 1418 and 1421 of 1904.)

THE HOSPITAL CORPS.

914a. The Hospital Corps of the United States Army shall consist of sergeants first class, sergeants, corporals, privates first class, and privates. *Act of March 2, 1903 (32 Stats., 930).*

(This paragraph amends paragraph 914. See also paragraphs 915–921, and 924.)

919a. The rank and pay of sergeants first class, sergeants, and privates first class shall be as now provided by law for hospital stewards, acting hospital stewards, and privates of the Hospital Corps; corporals shall receive twenty dollars per month and privates sixteen dollars, with such increase on account of length of service as is now or

may hereafter be allowed by law to other enlisted men. *Act of March 2, 1903 (32 Stats., 930).*

(See paragraphs 923 and 924.)

924a. The Secretary of War is authorized to organize companies of instruction, ambulance companies, field hospital, and other detachments of the Hospital Corps as the necessities of the service may require. *Act of March 2, 1903 (32 Stats., 930).*

PURCHASES OF MEDICAL SUPPLIES.

932a. Purchase of medicines and medical stores, or the engagement of services not personal for the Medical Department of the Army, may be made by the Medical Department in open market in the manner common among business men when the aggregate of the amount required does not exceed two hundred dollars, but every such purchase or employment shall be promptly reported to the Secretary of War. *Act of April 23, 1904 (33 Stats., 272).*

(This paragraph amends paragraph 932.)

SALE OF MEDICAL SUPPLIES.

934a. Hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army. *Act of April 23, 1904 (33 Stats., 273).*

(This paragraph amends paragraph 934.)

NATIONAL SANITARIUM AT HOT SPRINGS, SOUTH DAKOTA.

939a. One hundred and fifty thousand dollars is hereby appropriated for the erection of a National Sanitarium for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which Sanitarium, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by said Board of Managers: *Provided*, That such Sanitarium shall be erected on land donated to the United States by the people of Hot Springs, South Dakota, and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above-named Sanitarium, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in said Board of Managers over the premises occupied by said Sanitarium as over other realty held by said Board until further

enactment by the Congress of the United States. *Sec. 1, act of May 29, 1902 (32 Stats., 282).*

939b. The further sum of twenty thousand dollars is hereby appropriated, to be used for the transportation to and from said Sanitarium of such patients as may be ordered to said Sanitarium by said Board of Managers and for equipping and maintaining said Sanitarium, subject to the aforesaid rules and regulations of said Board of Managers: *Provided*, That any member of the National Home for Disabled Volunteer Soldiers who shall be certified to said Sanitarium by the medical and legal authorities of said Board of Managers shall be admitted and treated thereat until discharged therefrom or returned to some Branch of the National Home by order of said Board of Managers. *Sec. 2, Act of May 29, 1902 (32 Stats., 282).*

CHAPTER XXII.

THE CORPS OF ENGINEERS.

ORGANIZATION.

953a. The Corps of Engineers shall consist of one Chief of Engineers with the rank of brigadier-general, of ten colonels, sixteen lieutenant-colonels, thirty-two majors, forty-three captains, forty-three first lieutenants, and forty-three second lieutenants. The enlisted force provided in section eleven of this Act, and the officers serving with the organized battalions thereof, shall constitute a part of the line of the Army: *Provided*, That the Chief of Engineers shall be appointed as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant shall be filled by promotion, according to seniority, from the Corps of Engineers. Any vacancies occurring at any time in the grade of second lieutenant shall be left for future promotions from the corps of cadets at the United States Military Academy. *Act of April 23, 1904 (33 Stats., 263).*

(This paragraph contains an amendment to section 22 of the act of February 2, 1901. See paragraph 953. See also paragraphs 954–956, and 962.)

PUBLIC BUILDINGS AND GROUNDS.

978a. Section seventeen hundred and ninety-seven of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 1797. That the Chief of Engineers shall have charge of the ublic buildings and grounds in the District of Columbia, under such gulations as may be prescribed by the President, through the War artment, except those buildings and grounds which are otherwise

provided for by law; and when it shall be made to appear to the said Chief of Engineers, or to the officer under his direction having immediate charge of said public buildings and grounds, that any person or persons is in unlawful occupation of any portion of said public lands in the District of Columbia, it shall be the duty of said officer in charge thereof to notify the marshal of the District of Columbia in writing of such unlawful occupation, and the said marshal shall thereupon cause the said trespasser or trespassers to be ejected from said lands, and shall restore possession of the same to the officer charged by law with the custody thereof." *Act of April 28, 1902 (32 Stats., 152).*

(This extends the duties of the Chief of Engineers. See paragraph 978.)

978b. Hereafter no public building, or the approaches thereto, other than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of President of the United States, or other public function, except as may hereafter be expressly authorized by law. *Act of April 28, 1902 (32 Stats., 152).*

THE WASHINGTON MONUMENT.

990a. For the care and maintenance of the Washington Monument, namely: For one custodian, at one hundred dollars per month; one steam engineer, at eighty dollars per month; one assistant steam engineer, at sixty dollars per month; one fireman, at fifty dollars per month; one assistant fireman, at forty-five dollars per month; one conductor of elevator car at seventy-five dollars per month; one attendant on floor, at sixty dollars per month; one attendant on top floor, at sixty dollars per month; three night and day watchmen, at sixty dollars per month each. *Act of April 28, 1904 (33 Stats., 493).*

(This paragraph modifies the pay of certain employees as set forth in paragraph 990.)

LIGHT-HOUSE BOARD.

1028a. The following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment,

* * * * * * *

* * * are transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department. *Sec. 4, Act of February 14, 1903 (32 Stats., 826).*

(This paragraph affects the provisions of paragraphs 1024 and 1025.)

1028b. All duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the pub-

lic service by this Act transferred to the Department of Commerce and Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Commerce and Labor.

All duties, power, authority and jurisdiction, whether supervisory, appellate or otherwise, now imposed or conferred upon the Secretary of the Treasury by Acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by Acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power and relating to the remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by Acts of Congress relating to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be and hereby are transferred to and imposed and conferred upon the Secretary of Commerce and Labor from and after the time of the transfer of the Bureau of Navigation, the Shipping Commissioners and the Steamboat-Inspection Service to the Department of Commerce and Labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all Acts or parts of Acts inconsistent with this Act are, so far as inconsistent, hereby repealed. *Sec. 10, Act of February 14, 1903 (32 stats., 829).*

THE ISTHMIAN CANAL COMMISSION.

1085a. To enable the President to construct the canal and works appurtenant thereto as provided in this Act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States

Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy. Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this Act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this Act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act. Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by Act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof. *Sec. 7, Act of June 28, 1902 (32 Stats., 483).*

GOVERNMENT OF THE CANAL ZONE AT PANAMA.

1085b. The President is hereby authorized, upon the acquisition of the property of the New Panama Canal Company and the payment to the Republic of Panama of the ten millions of dollars provided by article fourteen of the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the twenty-sixth day of February, nineteen hundred and four, to be paid to the latter Government, to take possession of and occupy on behalf of the United States the zone of land and land under water of the width of ten miles, extending to the distance of five miles on each side of the center line of the route of the canal to be constructed thereon, which said zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, and also of all islands within said zone, and in addi-

tion thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and, from time to time, of any lands and waters outside of said zone which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal, or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said enterprise, the use, occupation, and control whereof were granted to the United States by article two of said treaty. The said zone is hereinafter referred to as "the Canal Zone." The payment of the ten millions of dollars provided by article fourteen of said treaty shall be made in lieu of the indefinite appropriation made in the third section of the Act of June twenty-eighth, nineteen hundred and two, and is hereby appropriated for said purpose.

SEC. 2. That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers as well as the power to make all rules and regulations necessary for the government of the Canal Zone and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said Zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion. *Secs. 1 and 2, Act of April 28, 1904 (33 Stats., 429).*

FORTIFICATIONS.

1086a. Hereafter in acquiring sites for fortifications it shall be the duty of the Secretary of War, in every case of such acquirement, to purchase or otherwise procure at the same time, under this and future appropriations for this purpose, sufficient land for necessary barracks and quarters for the artillery troops required in connection with each of such fortifications; but no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specifically provided. *Act of April 28, 1904 (33 Stats., 497).*

1086b. It shall be the duty of the Secretary of War to apply the money herein appropriated under the heading "Fortifications and other works of defense," in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of

the work according to such contract. *Act of April 21, 1904 (33 Stats., 234).*

RIVER AND HARBOR WORKS.

1098a. There shall be organized in the Office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of five engineer officers, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement heretofore or hereafter provided for. And the board shall submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have heretofore been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of localities. And all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the Office of the Chief of Engineers. It shall further be the duty of said board, upon a request transmitted to the Chief of Engineers by the Committee on Rivers and Harbors of the House of Representatives, or the Committee on Commerce of the Senate, in the same manner to examine and report through the Chief of Engineers upon any projects heretofore adopted by the Government or upon which appropriations have been made, and report upon the desirability of continuing the same or upon any modifications thereof which may be deemed desirable.

The board shall have authority, with the approval of the Chief of Engineers, to rent quarters, if necessary, for the proper transaction of its business, and to employ such civil employees as may, in the opinion of the Chief of Engineers, be required for properly transacting the business assigned to it, and the necessary expenses of the board

shall be paid from allotments made by the Chief of Engineers from any appropriations made by Congress for the work or works to which the duties of the board pertain. *Sec. 3, Act of June 13, 1902 (32 Stats., 372).*

1103a. No appropriations heretofore or hereafter made for improving harbors and deepening channels shall be used for the construction of Government dredges for use on the Great Lakes or on the Atlantic coast north of Cape Henry unless there shall be a specific appropriation for that purpose: *Provided, however*, That this provision shall not apply to any dredge the construction of which has heretofore been authorized by the Secretary of War. *Sec. 4, Act of April 28, 1904 (33 Stats., 452).*

PURCHASE AND SALE OF LANDS.

1106a. When any land or other property which has been heretofore or may be hereafter purchased or acquired for the improvement of rivers and harbors is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of War may direct, and the proceeds credited to the appropriation for the work for which it was purchased or acquired; and the Secretary of War may direct the transfer of any property employed in river and harbor works, and in such event the property so transferred shall be valued and credited to the project upon which it was theretofore used and charged to the project to which it shall be transferred. The Secretary may also direct a temporary transfer of any property employed in the improvement of rivers and harbors whenever, in his judgment, such transfer would secure efficient or economical results, and such adjustment in the way of charges and credits shall be made between the projects affected as may be equitable. *Sec. 5, Act of June 13, 1902 (32 Stats., 373).*

OPERATION OF CANALS AND OTHER WORKS OF IMPROVEMENT.

1113a. That section four of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, be, and is hereby, amended so as to read as follows:

"SEC. 4. That it shall be the duty of the Secretary of War to prescribe such rules and regulations for the use, administration, and navigation of any or all canals and similar works of navigation that now are, or that hereafter may be, owned, operated, or maintained by the United States as in his judgment the public necessity may require; and he is also authorized to prescribe regulations to govern the speed and movement of vessels and other water craft in any public navigable channel which has been improved under authority of Congress, whenever, in his judgment, such regulations are necessary to protect such improved channels from injury, or to prevent interference with the

operations of the United States in improving navigable waters or injury to any plant that may be employed in such operations. Such rules and regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such rules and regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court." *Sec. 11, Act of June 13, 1902 (32 Stats., 374).*

(This paragraph amends paragraphs 1112 and 1113.)

BRIDGES, ETC., OVER THE NAVIGABLE WATERS OF THE UNITED STATES.

1117a. Any regulations heretofore or hereafter prescribed by the Secretary of War in pursuance of the fourth and fifth sections of the river and harbor Act of August eighteenth, eighteen hundred and ninety-four, and any regulations hereafter prescribed in pursuance of the aforesaid section four as amended by section eleven of this Act, may be enforced as provided in section seventeen of the river and harbor Act of March third, eighteen hundred and ninety-nine, the provisions whereof are hereby made applicable to the said regulations. *Sec. 6, Act of June 13, 1902 (32 Stats., 374).*

(See paragraphs 1112, 1113, 1116, 1117, and 1113a.)

CHAPTER XXIII.

THE ORDNANCE DEPARTMENT—THE BOARD OF ORDNANCE AND FORTIFICATION, ARMS, ARMORIES, AND ARSENALS.

DETAILS.

1155a. Hereafter details for service to the grade of first lieutenant in the Ordnance Department under the provisions of the Act of February second, nineteen hundred and one, may be made, from the Army at large, from the grade of first or second lieutenant, and officers so detailed shall, while so serving, receive the pay of first lieutenant: *Provided*, That no officer shall be so detailed except upon such examination as may be prescribed by the Secretary of War. *Act of March 2, 1903 (32 Stats., 942).*

(This paragraph amends paragraph 1155.)

MISCELLANEOUS REQUIREMENTS.

1161a. The services of skilled draftsmen and such other services, not clerical, as the Secretary of War may deem necessary, may be employed

in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications, to be paid from such appropriations, in addition to the amount specifically appropriated for draftsmen in the Army Ordnance Bureau: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June thirtieth, nineteen hundred and five, shall not exceed forty thousand dollars, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed and the amount paid to each. *Act of March 18, 1904 (33 Stats., 115).*

PURCHASES.

1169a. Hereafter purchases of ordnance and ordnance stores and supplies and the procurement of services may be made by the Ordnance Department in open market, in the manner common among business men, when the aggregate of the amount required does not exceed two hundred dollars, but every such purchase exceeding one hundred dollars shall be immediately reported to the Secretary of War. *Act of April 23, 1904 (33 Stats., 275).*

(This paragraph amends paragraph 1169.)

SALES OF SERVICEABLE ORDNANCE AND ORDNANCE STORES.

1181a. Hereafter all moneys arising from disposition authorized by law and regulation of serviceable ordnance and ordnance stores shall constitute one fund on the books of the Treasury Department, which shall be available to replace ordnance and ordnance stores throughout the fiscal year in which the disposition was effected and throughout the following year. The Secretary of War is hereby authorized to sell to American designers such serviceable ordnance and ordnance stores as may be necessary in the development of designs which may be used in the military service: *Provided*, That such ordnance and ordnance stores can be spared for the purpose, and funds arising from such sales shall be available to replace like ordnance and ordnance stores. *Act of April 23, 1904 (33 Stats., 276).*

AMMUNITION FOR MORNING AND EVENING GUN.

1184a. For firing the morning and evening gun at military posts prescribed by General Orders, Numbered Seventy, Headquarters of the Army, dated July twenty-third, eighteen hundred and sixty-seven, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, District of Columbia, and at Soldiers and Sailors' State Homes, including material for cartridges, bags, reworking obsolete powder, and so

forth, thirteen thousand five hundred dollars. *Act of April 23, 1904 (33 Stats., 275).*

(This paragraph amends paragraph 1184 by providing for "reworking obsolete powder.")

ARMS, ARMORIES, AND ARSENALS.

1192a. Hereafter all employees of the Ordnance Department whose rate of compensation is annual shall be paid monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this provision each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less. *Act of April 23, 1904 (33 Stats., 276).*

(See paragraph 635a.)

MISCELLANEOUS PROVISIONS.

1201a. For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, the sum of two thousand five hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War. *Act of April 28, 1904 (33 Stats., 580).*

(See General Orders, 61, H. A., 1903, and General Orders, 53, War Department, 1904.)

THE BOARD OF ORDNANCE AND FORTIFICATIONS.

1215a. All material purchased under the forgoing provisions of this Act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty. *Act of April 21, 1904 (33 Stats., 237).*

(See paragraph 1542. Similar provisions were embodied in the "Act making appropriation for fortifications and other works of defense, etc.," approved June 6, 1902, and the Act making appropriation for the same purpose, approved March 3, 1903.)

CHAPTER XXIV.

THE SIGNAL CORPS.

ORGANIZATION.

1218a. There shall be added to the Signal Corps of the Army, as now authorized by law, one lieutenant-colonel, two majors, four captains, and four first lieutenants. *Act of March 2, 1903 (32 Stats., 932).*

(This paragraph increases the number of officers provided for in paragraph 1218.)

1219a. That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office, who shall have, while so serving, the rank, pay, and allowances of a major. *Act of March 2, 1903 (32 Stats., 932).*

APPOINTMENTS, PROMOTIONS, DETAILS.

1222a. The vacancies thus created or caused shall be filled first by the promotion of officers of the Signal Corps, according to seniority, and thereafter by details from the line of the Army. *Act of March 2, 1903 (32 Stats., 932).*

(See paragraph 1218a.)

ENLISTED MEN.

1224a. Hereafter second-class privates of the Signal Corps shall be designated as privates, with the same pay and allowances as now allowed by law to second-class privates. Fifty first-class sergeants may be temporarily added to the Signal Corps for service in the Philippine Islands and Alaska; such additional force, or part thereof, to be continued only as long as in the opinion of the Secretary of War (or the President) it may be necessary for the efficiency of the Army. *Act of June 30, 1902 (32 Stats., 509).*

(This paragraph amends paragraph 1224.)

1224b. One hundred and thirty-two first-class sergeants, at five hundred and forty dollars each.

One hundred and forty-four sergeants, at four hundred and eight dollars each.

One hundred and fifty-six corporals, at two hundred and forty dollars each.

Five hundred and fifty-two first-class privates, at two hundred and four dollars each.

One hundred and sixty-eight privates, at one hundred and fifty-six dollars each.

Twenty-four cooks, at two hundred and forty dollars each.

Thirty-six master signal electricians, at nine hundred dollars each. The increase of enlisted men herein authorized shall take effect immediately. *Act of April 23, 1904 (33 Stats., 261).*

(This paragraph increases the enlisted strength of the Signal Corps. See paragraph 1224.)

DUTIES.

1230a. Hereafter the purchase of signal stores and equipment, or the engagement of services not personal, by the Signal Corps of the Army, may be made by the Signal Corps of the Army in open market in the manner common among business men when the aggregate of the amount required does not exceed two hundred dollars, but every such purchase or employment shall be promptly reported to the Secretary of War. *Act of March 2, 1903 (32 Stats., 929).*

CHAPTER XXV.

THE RECORD AND PENSION OFFICE.

RECORD AND PENSION OFFICE.

1239a. That the military rolls and records of the Indian wars or any other wars prior to the civil war, now preserved in the Interior or other Departments, be transferred to the War Department, to be preserved in the Record and Pension Office of that Department, and that they shall be properly indexed and arranged for use. *Joint Res. of April 28, 1904 (33 Stats., 591).*

CHAPTER XXVI.

CHAPLAINS.

1258a. The President may, from time to time, select from among the chaplains of the Army any chaplains having not less than ten years' service, in the grade of captain, who shall have been commended as worthy of special distinction for exceptional efficiency by the regimental or district commanders with whose commands they may be serving as chaplains, approved through regular military channels, and may, with the advice and consent of the Senate, promote such regimental or artillery chaplains to be chaplains with the grade, pay, and allowances of major; every such promotion being made with a view to active service until the statutory age for the compulsory relinquishment thereof, except in cases of physical disability incurred in the line

the property, for the care and safe-keeping thereof and for the return of the same when required. *Sec. 3, Act of April 21, 1904 (33 Stats., 226).*

(This paragraph takes the place of paragraph 1292.)

RETIREMENT OF OFFICERS.

1303a. Any officer of the Army below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this Act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Army and placed on the retired list by virtue of the provisions of a special Act of Congress; and the Secretary of War may assign retired officers of the Army, with their consent, to active duty in recruiting, for service in connection with the organized militia in the several States and Territories upon the request of the governor thereof, as military attachés, upon courts-martial, courts of inquiry and boards, and to staff duties not involving service with troops; and such officers while so assigned shall receive the full pay and allowances of their respective grades. *Act of April 23, 1904 (33 Stats., 264).*

MISCELLANEOUS PROVISIONS.

1323a. In addition to the detail of retired officers now authorized by law, it shall hereafter be lawful for the Secretary of War to detail, whenever in his judgment the public interests require it, not exceeding twenty retired officers for service in connection with the organized militia in the States or Territories, upon the request of the governor thereof, and such retired officers shall be entitled, while so employed, to receive the full pay and allowances of their respective grades. *Act of March 2, 1903 (32 Stats., 932).*

MISCELLANEOUS PROVISIONS RESPECTING COMMISSIONED OFFICERS.

1332a. Officers of the Army of the United States may be detailed for service as chief and assistant chiefs, the said assistant chiefs not to exceed in number four, of the Philippine constabulary, and that during the continuance of such details the officer serving as chief shall

have the rank, pay, and allowances of brigadier-general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: *Provided*, That the difference between the pay and allowances of brigadier-general and colonel, as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury. *Sec. 1, Act of January 30, 1903 (32 Stats., 783).*

CHAPTER XXVIII.

BREVETS—MEDALS OF HONOR—CERTIFICATES OF MERIT—FOREIGN DECORATIONS.

MEDALS OF HONOR.

1356a. For three thousand medals of honor to be prepared, with suitable emblematic devices, upon the design of the medal of honor heretofore issued, or upon an improved design, together with appropriate rosettes or other insignia to be worn in lieu of the medal, and to be presented by direction of the President, and in the name of Congress, to such officers, noncommissioned officers, and privates as have most distinguished, or may hereafter most distinguish, themselves by their gallantry in action, twelve thousand dollars: *Provided*, That the Secretary of War be, and he is hereby, authorized and directed to use so many of the medals and rosettes or other insignia provided for by this Act as may be necessary to replace the medals that have been issued under the joint resolution of Congress approved July twelfth, eighteen hundred and sixty-two, and section six of the Act of Congress approved March third, eighteen hundred and sixty-three: *And provided further*, That whenever it shall appear from official records in the War Department that any officer or enlisted man of the Army so distinguished himself in action as to entitle him to the award of the Congressional medal of honor under the provisions of the sixth section of the Act of Congress approved March third, eighteen hundred and sixty-three, entitled "An Act making appropriations for the sundry civil expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-four, and for the year ending the thirtieth of June, eighteen hundred and sixty-three, and for other purposes," the fact that the person who so distinguished himself has since become separated from the military service, or that the award of the medal to him was not specifically recommended or applied for while he was in the said service, shall not be held to prevent the award and presentation of the medal to such person under the provisions of the law hereinbefore cited. *Act of April 23, 1904 (33 Stats., 274).*

(See paragraphs 1356 and 1357.)

1356b. That in any case where the President of the United States has heretofore, under any Act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is hereby authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated. *Joint Res. of April 15, 1904 (33 Stats., 588).*

(See paragraph 1357.)

CORPS BADGES AND INSIGNIA OF SOCIETIES.

1363a. The distinctive badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of nineteen hundred may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organization in their own right. *Joint Res., January 12, 1903 (32 Stats., 1229).*

CHAPTER XXIX.

ENLISTED MEN.

RETIREMENT OF ENLISTED MEN.

1381a. Hereafter in computing the length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama; but double credit shall not be given for service hereafter rendered in Porto Rico or the Territory of Hawaii. *Act of April 23, 1904 (33 Stats., 264).*

(This paragraph takes the place of paragraph 1381. See paragraphs 869 and 869a.)

DUPLICATE CERTIFICATES OF DISCHARGE.

1388a. Whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu

of a lost or destroyed discharge: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case. *Act of July 1, 1902 (32 Stats., 629).*

(This paragraph virtually takes the place of sec. 224 of R. S.; paragraph 1388.)

APPREHENSION OF DESERTERS—REWARDS.

1409a. For the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than fifty dollars for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses. *Act of April 23, 1904 (33 Stats., 269).*

(This paragraph takes the place of paragraph 1409.)

EXPENSES OF TRANSPORTATION AND BURIAL.

1416a. To enable the Secretary of war, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field or hospital in Alaska and at places outside of the limits of the United States, or who die while on voyage at sea, forty thousand dollars. *Act of April 28, 1904 (33 Stats., 496).*

(This paragraph takes the place of paragraph 1416.)

1417a. [For] expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this Act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the twenty-first day of April, eighteen hundred and ninety-eight. *Act of April 23, 1904 (33 Stats., 269).*

(See paragraph 1417.)

1418a. To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army who have died, or may hereafter die, while in the employ of the War Department in Cuba, Porto Rico, Hawaii, China, Alaska,

and the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transport, and who die while on said transport, five thousand dollars. *Act of April 28, 1904 (33 Stats., 496).*

(This paragraph takes the place of paragraph 1418.)

CHAPTER XXX.

THE TROOPS OF THE LINE.

CAVALRY.

1424a. Each cavalry band shall consist of one chief musician; one chief trumpeter; one principal musician; one drum major, who shall have the rank, pay, and allowances of a first sergeant; four sergeants; eight corporals; one cook, and eleven privates. *Sec. 2, act of March 2, 1899 (30 Stats., 977).*

(This paragraph takes the place of paragraph 1424, which is defective.)

THE ARTILLERY CORPS.

1443a. One hundred electrician sergeants, to be assigned for duty at such places as the Secretary of War may direct, at four hundred and eight dollars each, * * * : *Provided*, That there shall be added to the Artillery Corps twenty-five master electricians, to be enlisted by the Secretary of War, after such examination as he may prescribe, who shall receive seventy-five dollars per month and the allowance of an ordnance sergeant. *Act of March 2, 1903 (32 Stats., 930).*

(This paragraph takes the place of paragraph 1443.)

CHAPTER XXXI.

THE UNITED STATES MILITARY ACADEMY—THE ARMY WAR COLLEGE—THE SERVICE SCHOOLS.

THE MILITARY ACADEMY.

ORGANIZATION: ACADEMIC AND MILITARY STAFF.

1458a. For pay of one associate professor of modern languages, in addition to pay as captain, five hundred dollars. *Act of April 28, 1904 (33 Stats., 442).*

(The above appropriation act amends paragraph 1458, by the creation of an additional office.)

1458b. For one civilian instructor of French, to be employed under les prescribed by the Secretary of War, two thousand dollars;

For two civilian instructors in Spanish, at two thousand dollars per

year each, to be employed under rules prescribed by the Secretary of War, four thousand dollars. *Act of April 28, 1904 (33 Stats., 445).*

(The above appropriation act amends paragraph 1458 by the creation of two additional offices.)

THE ACADEMIC STAFF.

1471a. The professors and the associate professor of the United States Military Academy shall have the actual rank in the United States Army now assigned to them by assimilation in the regulations of the Military Academy prescribed by the President of the United States, and that they shall exercise command only in the academic department of the United States Military Academy. *Act of June 28, 1902 (32 Stats., 409).*

(See note to paragraph 1495.)

CORPS OF CADETS.

1479a. The number of cadets authorized to be appointed by the President from the United States at large shall not at any one time exceed forty. *Act of June 28, 1902 (32 Stats., 410).*

(This paragraph amends paragraph 1479.)

1480a. Hereafter the actual and necessary traveling expenses of candidates while proceeding from their homes to the Military Academy for qualification as cadets shall, if admitted, be credited to their accounts and paid after admission from the appropriation for the transportation of the Army and its supplies. *Act of June 28, 1902 (32 Stats., 409).*

(This paragraph amends paragraph 1480.)

PAY AND ALLOWANCES.

1485a. Hereafter the pay of cadets shall be fixed at five hundred dollars per annum and one ration per day, or commutation therefor, such commutation to be thirty cents per day, to be paid from the appropriation for the subsistence of the Army. *Act of June 28, 1902 (32 Stats., 409).*

(This paragraph amends paragraph 1485.)

ARMY WAR COLLEGE.

1514a. The Secretary of War is hereby authorized to expend the sum of four hundred thousand dollars, or so much thereof as may be necessary, from the unexpended balance of an emergency fund appropriated in the Act approved March third, eighteen hundred and ninety-nine, for the erection of the necessary buildings for the Army War College, established at Washington Barracks, District of Columbia,

for the instruction of officers of the Army and militia of the United States. *Act of June 30, 1902 (32 Stats., 512).*

(See paragraph 1514 and General Orders, 155, H. A. 1901.)

UNITED STATES ENGINEER SCHOOL.

1515a. The Secretary of War is hereby authorized to expend the sum of five hundred thousand dollars, or so much thereof as may be necessary, from the unexpended balance of the appropriation for barracks and quarters for the fiscal year ending June thirtieth, nineteen hundred, which sum is hereby reappropriated for the construction of the necessary buildings for the Engineer School at Washington Barracks, District of Columbia. *Act of June 30, 1902 (32 Stats., 519).*

(See General Orders, 155, H. A. 1901.)

1515b. For equipment and maintenance of the United States Engineer School at Washington Barracks, District of Columbia, including purchase of instruments, implements, and materials, for the use of the school and for instruction of engineer troops in their special duties as sappers and miners; for land and submarine mines, pontoniers, torpedo drill, and signaling; for purchase and binding of professional works of recent date treating of military and civil engineering and kindred scientific subjects, for the library of the United States Engineer School. *Act of June 30, 1902 (32 Stats., 519).*

(This paragraph takes the place of paragraph 1515. See General Orders, 155, H. A. 1901.)

UNITED STATES SERVICE SCHOOLS.

1519a. To provide means for the theoretical and practical instruction at the Artillery School, at Fort Monroe, Virginia; the School of Submarine Defense, at Fort Totten, New York; the General Service and Staff College, at Fort Leavenworth, Kansas, and the School of Application for Cavalry and Field Artillery, at Fort Riley, Kansas, by the purchase of text-books, books of reference, scientific and professional papers, the purchase of modern instruments and material for theoretical and practical instruction, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interest of the military service, twenty-five thousand dollars. *Act of April 23, 1904 (33 Stats., 259).*

(See General Orders, 155, H. A. 1901.)

CHAPTER XXXIII.

THE PUBLIC LANDS—MILITARY RESERVATIONS—MILITARY POSTS.

HOMESTEADS.

1587a. The rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish war, as defined and described in

sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes,[1] as amended by the Act of March first, nineteen hundred and one, shall not be abridged. *Sec. 4, Act of April 27, 1904 (33 Stats., 322).*

(See paragraphs 1586, 1587, and 1592.)

ACQUISITION OF LANDS BY THE UNITED STATES. (PHILIPPINE ISLANDS.)

1599a. All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this Act. *Sec. 12, Act of July 1, 1902 (32 Stats., 695).*

PUBLIC LANDS (PHILIPPINE ISLANDS).

1599b. Whenever it shall be made to appear to the secretary of any province or the commander of any military department in the Philippine Islands that any lands within the province are saline in character, it shall be the duty of said provincial secretary or commander, under the regulations of the Government of the Philippine Islands, to take testimony in reference to such lands, to ascertain their true character, and to report the same to the secretary of the interior for the Philippine Islands; and if, upon such testimony, the secretary of the interior shall find that such lands are saline and incapable of being purchased

[1] SEC. 2304, R. S. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteenth, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one-quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

SEC. 2305, R. S. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

under any of the laws relative to the public domain, then and in such case said lands shall be offered for sale at the office of the provincial secretary or such other officer as by the said government may be described as mining recorder of the province or department in which the same shall be situated, as the case may be, under such regulations as may be prescribed by said Government and sold to the highest bidder, for cash, at a price of not less than three dollars per hectare; and in case such lands fail to sell when so offered, then the same shall be subject to private sale at such office, for cash, at a price not less than three dollars per hectare, in the same manner as other lands in the said Islands are sold. All executive proclamations relating to the sales of public saline lands shall be published in only two newspapers, one printed in the English language and one in the Spanish language, at Manila, which shall be designated by said secretary of the interior. *Sec. 58, Act of July 1, 1902 (32 Stats., 705).*

HAWAII.

1625a. The Secretary of War is authorized to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post. *Act of June 28, 1902 (32 Stats., 46[illegible]).*

CHAPTER XXXV.

THE MILITIA—THE MILITIA OF THE DISTRICT OF COLUMBIA—THE TERRITORIAL MILITIA.

COMPOSITION AND ENROLLMENT.

1650a. Sections sixteen hundred and twenty-five to sixteen hundred and sixty, both included, of title sixteen of the Revised Statutes, and section two hundred and thirty-two thereof, relating to the militia, are hereby repealed. *Sec. 25, Act of January 21, 1903 (32 Stats., 780).*

(This paragraph repeals paragraphs 133, 1651 to 1690, both inclusive, and paragraphs 2020 to 2022, both inclusive.)

1651a. The militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age. *Sec. 1, Act of January 21, 1903 (32 Stats., 775).*

(This and the following paragraph take the place of the paragraph repealed by the act of January 21, 1903 (32 Stats., 775). See paragraphs 1650a and 1707.)

1651b. [The militia] shall be divided into two classes—the organized militia, to be known as the National Guard of the State, Territory, or

District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be known as the Reserve Militia. *Sec. 1, Act of January 21, 1903 (32 Stats., 775).*

EXEMPTIONS.

1655a. The Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age. *Sec. 2, Act of January 21, 1903 (32 Stats., 775).*

(See paragraph 1708.)

1655b. Nothing in this Act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States. *Sec. 2, Act of January 21, 1903 (32 Stats., 775).*

ORGANIZATION.

1656a. The regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States, within five years from the date of the approval of this Act. *Sec. 3, Act of January 21, 1903 (32 Stats., 775).*

(See paragraph 1717.)

1657a. The President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps. *Sec. 3, Act of January 21, 1903 (32 Stats., 775).*

(See paragraph 1718.)

1661a. Any corps of artillery, cavalry and infantry existing in any of the States at the passage of the Act of May eighth, seventeen hundred and ninety-two, which, by the laws, customs or usages of the said States have been in continuous existence since the passage of said Act under its provisions and under the provisions of Section two hundred and thirty-two and Sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of Title sixteen of the Revised Statutes of the United States relating to the Militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other Militia. *Sec. 3, Act of January 21, 1903 (32 Stats., 775).*

INSTRUCTION AND DISCIPLINE.

1662a. The Secretary of War is hereby authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, to be paid out of the appropriation for the pay, subsistence, and transportation of the Army: *Provided*, That the command of such military post or camp and of the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity. *Sec. 15, Act of January 21, 1903 (32 Stats., 777).*

1662b. No part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the organized militia of any State, Territory, or District of Columbia, while engaged in joint encampment, maneuvers, and field instruction of the Regular Army and militia as provided by section fifteen of the Act of January twenty-first, nineteen hundred and three, entitled "An Act to promote the efficiency of the militia, and for other purposes." *Act of April 23, 1904 (33 Stats., 265).*

1662c. Each State or Territory furnished with material of war under the provisions of this or former Acts of Congress shall, dur-

ing the year next preceding each annual allotment of funds, in accordance with section sixteen hundred and sixty-one of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than twenty-four times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army. *Sec. 18, Act of January 21, 1903 (32 Stats., 778).*

1662d. Upon the application of the governor of any State or Territory furnished with material of war under the provisions of this Act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory. *Sec. 19, Act of January 21, 1903 (32 Stats., 778).*

1662e. Upon application of the governor of any State or Territory furnished with material of war under the provisions of this Act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. *Sec. 20, Act of January 21, 1903 (32 Stats., 779).*

1663a. Whenever any officer of the organized militia shall, upon recommendation of the governor of any State, Territory, or general commanding the District of Columbia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States such officer shall receive from the annual appropriation for the support of the Army the same travel allowances, and quarters, or commutation of quarters, to which an officer of the Regular Army would be entitled if attending such school or college under orders from proper military authority, and shall also receive commutation of subsistence at the rate of one dollar per day while in actual attendance upon the course of instruction. *Sec. 16, Act of January 21, 1903 (32 Stats., 778).*

RETURNS.

1664a. There shall be appointed in each State, Territory and District of Columbia, an Adjutant-General, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress. *Sec. 12, Act of January 21, 1903 (32 Stats., 776).*

(See paragraphs 1715 and 1716.)

ACTIVE SERVICE OF THE MILITIA.

1669a. Whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the other forces at his command, to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper. *Sec. 4, Act of January 21, 1903 (32 Stats., 776).*

(See paragraph 1711.)

1670a. When the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population. *Sec. 6, Act of January 21, 1903 (32 Stats., 776).*

1671a. The militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States. *Sec. 9, Act of January 21, 1903 (32 Stats., 776).*

1672a. Courts-martial for the trial of officers or men of the militia, when in the service of the United States, shall be composed of militia officers only. *Sec. 8, Act of January 21, 1903 (32 Stats., 776).*

1673a. Whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the United States, he may specify in his call the period for which such service is required, not exceeding nine months, and the

militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the President. *Sec. 5, Act of January 21, 1903 (32 Stats., 776).*

(See paragraph 1711.)

1674a. Every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed and shall be found fit for military service shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States: *Provided, however*, That any officer or enlisted man of the militia who shall refuse or neglect to present himself to such mustering officer upon being called forth as herein prescribed shall be subject to trial by court-martial, and shall be punished as such court-martial may direct. *Sec. 7, Act of January 21, 1903 (32 Stats., 776).*

(See paragraph 1711.)

PAY, RATIONS, EMOLUMENTS.

1681a. The militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army. *Sec. 10, Act of January 21, 1903 (32 Stats., 776).*

1683a. When the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this Act, their pay shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous. *Sec. 11, Act of January 21, 1903 (32 Stats., 776).*

PENSIONS.

1687a. When any officer, noncommissioned officer, or private of the militia is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws. *Sec. 22, Act of January 21, 1903 (32 Stats., 779).*

ARMAMENT AND EQUIPMENT.

1692a. The annual appropriation made by section sixteen hundred and sixty-one, Revised Statutes, as amended, shall be available for the purpose of providing for issue to the organized militia any stores and

supplies or publications which are supplied to the Army by any department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this Act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided. *Sec. 17, Act of January 21, 1903 (32 Stats., 778).*

(See paragraph 277, 1691-1693.)

1692b. The sums hereby appropriated for the expenses of the organized militia for such joint encampment, maneuvers, and field instruction shall be disbursed as, and for that purpose shall constitute, one fund; and the Secretary of War shall hereafter forward to Congress at its next session a detailed statement of the expenses of such encampments and maneuvers. *Act of April 23, 1904 (33 Stats., 265).*

(This paragraph relates to the joint encampment, etc., provided for by sections 15 and 21 of the act of January 21, 1903. See paragraphs 1662a and 1699a.)

1693a. Whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section sixteen hundred and sixty-one of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the

Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement. *Sec. 14, Act of January 21, 1903 (32 Stats., 777).*

(See paragraph 1693.)

1699a. The troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander. *Sec. 21, Act of January 21, 1903 (32 Stats., 779).*

1700a. The Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, without charging the cost or value thereof, or any which have been issued since December first, nineteen hundred and one, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms theretofore issued to said State, Territory, or District by the United States: *Provided*, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State, Territory, and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportation, all United States rifles and carbines now in its possession.

To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of exchanging or issuing the new arms, accouterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. *Sec. 13, Act of January 21, 1903 (32 Stats., 777).*

(See paragraphs 1694, 1739–1740.)

1700b. For the purpose of furnishing the necessary articles requisite to fully arm, equip, and supply each regiment, battalion, squadron, company, troop, battery, signal, engineer, and hospital corps and medical department of the organized militia of the several States, Territories, and the District of Columbia with the same armament and equipment as are now prescribed for corresponding branches of the line or staff in the Regular Army, without cost to said States, Territories, or the District of Columbia, but to remain the property of the United States, and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories, or the commanding general of the militia of the District of Columbia, to issue the said armament and equipment to the organized militia; and the sum of two million dollars is hereby appropriated and made immediately available until expended for the procurement and issue of the articles constituting the same. *Act of March 2, 1903 (32 Stats., 942).*

1700c. For the purpose of procuring field-artillery material for the organized militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the militia of the District of Columbia, to issue said artillery material to the organized militia; and the sum of five hundred and eighty-five thousand dollars is hereby appropriated and made immediately available, for the procurement and issue of the articles constituting the same. *Act of April 23, 1904, (33 Stats., 275).*

ARMS, UNIFORMS, AND EQUIPMENTS.

1742a. All moneys collected on account of deductions made from the pay of any officer or enlisted man of the National Guard of the District of Columbia on account of Government property lost or destroyed by such individual shall be repaid into the United States Treasury to the credit of the officer of the militia of the District of Columbia who is accountable to the United States Government for such property lost or destroyed. *Act of April 27, 1904 (33 Stats., 389).*

1750a. All moneys collected on account of deductions made from the pay of any officer or enlisted man of the National Guard of the District of Columbia for or on account of any violation of the regulations governing said National Guard shall be held by the commanding general of the militia of the District of Columbia, who is authorized to expend such moneys so collected for necessary clerical and general incidental expenses of the service, including books, or for the pay of

troops, other than Government employees; and for all moneys so collected and expended the commanding general shall make an accounting in like manner as for the appropriation disbursed for pay of troops. *Act of April 27, 1904 (33 Stats., 389).*

(This paragraph amends paragraph 1750.)

EXPENSES AND ALLOWANCES, DISTRICT OF COLUMBIA.

1770a. For the following, to be expended under the authority of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, and to be accounted for in like manner as the appropriations disbursed for pay of troops, namely:

For rent, fuel, light, heat, care, and repair of armories, practice ships, boats, machinery, and dock, dredging alongside of dock, and for telephone service, eighteen thousand dollars.

For lockers, furniture, and gymnastic apparatus for armories, four hundred dollars.

For printing and stationery, six hundred and fifty dollars.

For cleaning and repairing uniforms, arms, and equipments, and contingent expenses, one thousand two hundred and fifty dollars.

For custodian in charge of United States property and storerooms, nine hundred dollars.

For clerk, office of the Adjutant-General, seven hundred and twenty dollars.

For expenses of drills and parades, one thousand seven hundred dollars.

For expenses of rifle practice and matches, three thousand six hundred dollars.

For expenses of camps, instruction, practice marches, and practice cruises, including fuel for cruising purposes, fifteen thousand two hundred dollars.

For pay of troops, other than Government employees, to be disbursed under the direction of the commanding-general, seventeen thousand six hundred dollars. *Act of April 27, 1904 (33 Stats., 389).*

(See paragraphs 1766, 1769–1770.)

CHAPTER XXXVI.

MILITARY TRIBUNALS.

ARREST AND CONFINEMENT.

1788a. For a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge. * * * *Act of April 23, 1904 (33 Stats., 269).*

(This paragraph is a reenactment of similar provisions contained in the annual appropriation acts for the support of the Army.)

1788b. For a suit of citizen's outer clothing, to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge. * * * *Act of April 23, 1904 (33 Stats., 271).*

(This paragraph is a reenactment of similar provisions contained in the annual appropriation acts for the support of the army.)

CHAPTER XXXVII.

CITIZENSHIP AND NATURALIZATION.

NATURALIZATION.

1892a. No person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this Act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the pre-

liminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both. *Sec. 39, Act of March 3, 1903 (32 Stats., 1222).*

CHAPTER XXXIX.

The Employment of Military Force.

EXTRADITION.

2093a. The provisions of section ten hundred and fourteen of the Revised Statutes,[1] so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to the Philippine Islands of any fugitive from justice charged with the commission of any crime or offense against the United States within the Philippine Islands, and shall apply within the Philippine Islands for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without the Philippine Islands, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant. *Sec. 1, Act of February 9, 1903 (32 Stats., 806).*

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[1] Sec. 1014, R. S. For any crime or offense against the United States, the offender may, by any justice or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case. And where any offender or witness is committed in any district other than that where the offense is to be tried, it shall be the duty of the judge of the district where such offender or witness is imprisoned, seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had.

2093b. The provisions of sections fifty-two hundred and seventy-eight and fifty-two hundred and seventy-nine of the Revised Statutes,[1] so far as applicable, shall apply to the Philippine Islands, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof. *Sec. 2, Act of February 9, 1903 (32 Stats., 807).*

THE LAW OF WAR—MILITARY OCCUPATION.

2112a. The action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July twelfth, eighteen hundred and ninety-eight, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved: *Provided*, That nothing contained in this section shall be held to amend or repeal an Act entitled "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March eight, nineteen hundred and two. *Sec. 2, Act of July 1, 1902 (32 Stats., 692).*

2112b. The President of the United States, during such time as and whenever the sovereignty and authority of the United States encounter armed resistance in the Philippine Islands, until otherwise provided by Congress, shall continue to regulate and control commercial intercourse with and within said Islands by such general rules and regulations as he, in his discretion, may deem most conducive to the public interests and the general welfare. *Sec. 3, Act of July 1, 1902 (32 Stats., 692).*

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[1] SEC. 5278, R. S. Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State or Territory, to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs of expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

SEC. 5279, R. S. Any agent so appointed who receives the fugitive into his custody, shall be empowered to transport him to the State or Territory from which he has fled. And every person who, by force, sets at liberty or rescues the fugitive from such agent while so transporting him, shall be fined not more than five hundred dollars or imprisoned not more than one year.

CHAPTER XL.

PENSIONS.

THE GENERAL PENSION LAW.

2125a. From and after the passage of this Act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost both eyes, or who have become totally blind from causes occurring in the service of the United States, shall receive a pension at the rate of one hundred dollars per month: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any Act, public or private. *Act of April 8, 1904 (33 Stats., 163).*

(This paragraph amends paragraph 2125.)

2131a. From and after the passage of this Act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of forty dollars per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of forty-six dollars per month; that all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, shall receive a pension at the rate of fifty-five dollars per month, and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of sixty dollars per month; and that all persons who, in like manner, shall have lost both feet shall receive a pension at the rate of one hundred dollars per month: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any act, public or private. *Act of March 2, 1903 (32 Stats., 944).*

(This paragraph amends paragraph 2131.)

2136a. The investigation of claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be at the instance and under the direction of the Secretary of the Treasury, and no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law for expenses of the last sickness or burial of a deceased pensioner. *Act of March 3, 1903 (32 Stats., 1111).*

DEPENDENT RELATIVES.

2149a. Section forty-seven hundred and eight of the laws of the United States governing the granting of army and navy pensions, is amended to read as follows:

"SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease: *Provided, however*, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs one, two, and three of section forty-six hundred and ninety-three of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor, as defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen hundred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act: *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease." *Sec. 1, Act of February 28, 1903 (32 Stats., 920).*

(This paragraph takes the place of paragraph 2149.)

2149b. The provisions of this Act shall be extended to those widows otherwise entitled whose husbands died of wounds, injuries, or disease

contracted during the period of their military and naval service, but who were deprived of pension under the Act of March third, eighteen hundred and sixty-five, because of their failure to draw any pension by reason of their remarriage. *Sec. 2, Act of February 28, 1903 (32 Stats., 921).*

THE DEPENDENT PENSION LAW.

2154a. The Act approved June twenty-seventh, eighteen hundred and ninety, entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons and the widows and minor children of all deceased persons, subject to the limitations of said Act, who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and section forty-seven hundred and sixteen, Revised Statutes United States, is amended accordingly: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy and who enlisted in said regiments while confined as prisoners of war under a stipulation that they were not to be pensionable under the laws of the United States, nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the first day of January, eighteen hundred and sixty-five. *Sec. 1, Act of July 1, 1902 (32 Stats., 750).*

(This paragraph amends paragraph 2227.)

MEXICAN WAR PENSIONS.

2166a. The Secretary of the Interior is hereby authorized and directed to place on the pension roll, at the rate of twelve dollars per month, all Mexican war survivors now on the roll, or who may hereafter be placed on the roll, under the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February fifth, eighteen hundred and ninety-seven. *Act of March 3, 1903 (32 Stats., 1228).*

PENSIONS FOR INDIAN WARS, 1832–1842.

2167a. The provisions, limitations, and benefits of the Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended, from the date of the passage of this Act, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more

and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of eighteen hundred and seventeen and eighteen hundred and eighteen; the Fevre River Indian war of Illinois of eighteen hundred and twenty-seven; the Sac and Fox Indian war of eighteen hundred and thirty-one; the Sabine Indian disturbances of eighteen hundred and thirty-six and eighteen hundred and thirty-seven; the Cayuse Indian war of eighteen hundred and forty-seven and eighteen hundred and forty-eight, on the Pacific coast; the Florida wars with the Seminole Indians, from eighteen hundred and forty-two to eighteen hundred and fifty-eight, inclusive; the Texas and New Mexico Indian war of eighteen hundred and forty-nine to eighteen hundred and fifty-six; the California Indian disturbances of eighteen hundred and fifty-one and eighteen hundred and fifty-two; the Utah Indian disturbances of eighteen hundred and fifty to eighteen hundred and fifty-three, inclusive, and the Oregon and Washington Territory Indian wars from eighteen hundred and fifty-one to eighteen hundred and fifty-six, inclusive; and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried. *Act of June 27, 1902 (32 Stats., 399).*

(See paragraph 2167.)

2167b. Where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this Act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service. *Act of June 27, 1902 (32 Stats., 399).*

DECLARATIONS AND EVIDENCE IN PENSION CASES.

2201a. In the administration of the pension laws any enlisted man of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man of the Navy or Marine Corps, who was honorably discharged from the last contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all similar contracts of service previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man served not less than six months under said last enlistment or appointment, that his entire service under said last enlistment or appointment was faithful, and that he did not receive by reason of said last enlistment or appointment any bounty or gratuity other than from the United States in excess of that which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps during the war of the rebellion. *Sec. 2, Act of July 1, 1902 (32 Stats., 750).*

CHAPTER XLI.

THE SOLDIERS' HOME.

BOARD OF COMMISSIONERS.

2263a. The chief of the Military Secretary's Department shall be a member of the Board of Commissioners of the United States Soldiers' Home. *Act of April 23, 1904 (33 Stats., 263).*

CHAPTER XLII.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

OFFICERS OF THE BRANCHES OF THE NATIONAL HOME.

2298a. Hereafter the officers of the National Home for Disabled Volunteer Soldiers, and officers under the Board of Managers thereof, shall be appointed, so far as may be practicable, from persons whose military or naval service would render them eligible, if disabled and not otherwise provided for, for admission to the Home, and they may be appointed, removed, and transferred, from time to time, as the interests of the institution may require, by the Board of Managers. *Act of June 28, 1902 (32 Stats., 472).*

(This paragraph amends paragraph 2298.)

ACCOUNTS.

2316a. At the Central Branch, at Dayton, Ohio: For current expenses, namely: Pay of officers and noncommissioned officers of the Home, with such exceptions as are hereinafter noted, and their clerks and orderlies; also payments for chaplains and religious instruction, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, policemen, watchmen, and fire company; for all property and materials purchased for their use, including repairs not done by the Home; for necessary expenditures for articles of amusement, boats, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the Home; and for stationery, advertising, legal advice, for payments due heirs of deceased members: *Provided*, That all receipts on account of the effects of deceased members during the fiscal year shall be also available for such payments; and for such other expenditures as can not properly be included under other heads of expenditure, sixty thousand dollars. *Act of April 28, 1904 (33 Stats., 500).*

(This paragraph relates to the sundry civil appropriation act for the fiscal year ending June 30, 1905, and is a reenactment of previous legislation on the subject.)

STATE AND TERRITORIAL HOMES.

2321a. No part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section four of an Act approved March third, eighteen hundred and eighty-three, entitled "An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained. *Act of April 28, 1904 (33 Stats., 504).*

(This paragraph relates to the sundry civil appropriation for the fiscal year ending June 30, 1905. See paragraphs 2263–2266, 2268, 2272–2274, 2279, 2281, 2284, and 2285.)

2324a. No part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold. *Act of April 28, 1904 (33 Stats., 504).*

(This provision appears for the first time in the annual appropriation for sundry civil expenses, of April 28, 1904, and is inserted here because it is probable it will become a part of the annual legislation for these Homes.)

PENSIONS TO INMATES.

2328a. Any balance of pension money due a member of the National Home for Disabled Volunteer Soldiers at the time of his death shall be paid to his widow, minor children or dependent mother or father in the order named, and should no widow, minor child, or dependent parent be discovered within one year from the time of the death of the pensioner, said balance shall be paid to the post fund of the Branch of said National Home of which the pensioner was a member at the time of his death, to be used for the common benefit of the members of the Home under the direction of the Board of Managers, subject to future reclamation by the relatives hereinbefore designated, upon application filed with the Board of Managers within five years after the pensioner's death. *Act of July 1, 1902 (32 Stats., 564).*

(See paragraph 2328.)

CHAPTER XLIV.

NATIONAL PARKS.

THE GETTYSBURG NATIONAL PARK.

ERECTION OF MONUMENTS.

2391a. The Gettysburg National Park Commission are authorized and directed, under the supervision of the Secretary of War, to erect such monuments and markers of granite and bronze upon the battle-

field of Gettysburg, in the State of Pennsylvania, as will fittingly designate the positions, indicate the movements, and commemorate the valorous services of the following batteries and regiments of United States Regulars upon the battlefield: Batteries E, G, H, I, and K, First United States Artillery; A, B, D, G, L, and M, Second United States Artillery; C, F, and K, Third United States Artillery; A, B, C, F, G, and K, Fourth United States Artillery; C, D, F, I, and K, Fifth United States Artillery; Second, Third, Fourth, Sixth, Seventh, Eighth, Tenth, Eleventh, Twelfth, Fourteenth, and Seventeenth Regiments of United States Infantry; First, Second, Fifth, and Sixth Regiments of Cavalry; and United States Engineers Detachment.

The Secretary of War shall, so far as practicable, procure the appointment of committees of the survivors of these regiments and batteries, with whom the said commission shall consult, and, with the approval of the Secretary of War, determine the designs and positions of said monuments and markers and the inscriptions they shall bear, and for the purpose of carrying out the provisions of this act, sixty-one thousand five hundred dollars is hereby appropriated, out of any moneys not otherwise appropriated, and the disbursements under this act shall be made on the approval of the Secretary of War. *Act of February 18, 1903 (32 Stats., 838).*

THE ANTIETAM BATTLEFIELD.

2422a. For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, one thousand five hundred dollars. *Act of April 28, 1904 (33 Stats., 496).*

(This paragraph amends paragraph 2422.)

THE YELLOWSTONE NATIONAL PARK.

2443a. Private parties or companies doing business in the Yellowstone National Park under authority from the Government may be permitted, in the discretion of the Secretary of War, to use electricity furnished by the electric lighting and power plant of Fort Yellowstone and Mammoth Hot Springs at actual cost to the Government for operation, maintenance, and depreciation of the plant and ten per centum additional, under such regulations as may be prescribed by the Secretary of War. *Act of March 3, 1903 (32 Stats., 1130).*

STATUE OF LIBERTY, BEDLOES ISLAND.

2447a. The Treasurer of the United States is hereby authorized and directed to receive the sum of thirty-five thousand dollars, more or

less, from the executive committee of the Statue of Liberty erected on land belonging to the United States on Bedloes Island, New York Harbor; and the Secretary of War is hereby authorized to keep the said statue in repair, and to pay for the same from the appropriation for "Regular supplies," under the Quartermaster's Department, in the appropriation for the support of the Army for the fiscal year in which such expenses shall be incurred. *Act of April 28, 1904 (33 Stats., 498).*

CHAPTER XLV.

NATIONAL CEMETERIES.

INTERMENTS.

2460a. For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war and soldiers and sailors of the war with Spain who die in the District of Columbia, or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof, to be disbursed by the Secretary of War, at a cost not exceeding forty-five dollars for such burial expenses in each case, exclusive of cost of grave, three thousand dollars. *Act of April 28, 1904 (33 Stats., 495).*

(This paragraph amends paragraph 2460 and the note thereto.)

ROADWAYS.

2465a. No part of this sum shall be used for repairing any roadway within the corporate limits of any city, town, or village. *Act of April 28, 1904 (33 Stats., 495).*

CHAPTER XLVIII.

GENERAL STAFF CORPS.

ESTABLISHMENT.

2470. There is hereby established a General Staff Corps, to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President. *Sec. 1, Act of February 14, 1903 (32 Stats., 830).*

COMPOSITION.

2471. The General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers

of the Army at large not below the grade of brigadier-general; four colonels, six lieutenant-colonels, and twelve majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; twenty captains, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps, officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps, officers shall return to the branch of the Army in which they hold permanent commission, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war. *Sec. 3, Act of February 14, 1903 (32 Stats., 831).*

DUTIES.

2472. The duties of the General Staff Corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers who are subject under the terms of this Act to the supervision of the Chief of Staff; and to perform such other military duties not otherwise assigned by law as may be from time to time prescribed by the President. *Sec. 2, Act of February 14, 1903 (32 Stats., 831).*

2473. The Chief of Staff, under the direction of the President or of the Secretary of War, under the direction of the President, shall have supervision of all troops of the line and of the Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay and Ordnance departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the Chief of Staff or other officer designated by the President. Acts and parts of Acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the General Staff Corps. *Sec. 4, Act of February 14, 1903 (32 Stats., 831).*

CHIEF OF ARTILLERY.

2474. Section five of the Act entitled "An Act to increase the efficiency of the Army," approved February fourteenth, nineteen hundred and three, is hereby amended to read as follows:

"SEC. 5. That the Chief of Artillery shall hereafter serve as an additional member of the General Staff, and by and with the advice and consent of the Senate shall have the rank, pay, and allowances of a brigadier-general, and when the next vacancy occurs in the office of colonel of artillery it shall not be filled, and thereafter the number of colonels of artillery shall not exceed thirteen; and the provisions of the foregoing sections of this Act shall take effect on August fifteenth, nineteen hundred and three." *Act of March 3, 1903 (32 Stats., 1021).*

CHAPTER XLIX.

PHILIPPINE ISLANDS—ACTS OF THE PHILIPPINE COMMISSION RELATING TO THE ARMY.

ATTORNEYS.

2475. Any officer of the United States Army designated by the commanding general of the Division of the Philippines for such purpose shall have the right to appear as attorney before any court in the Philippine Islands in all cases in which the United States Government shall have an interest direct or indirect. *Sec. 1, Act of the Philippine Commission of April 27, 1903 (No. 856).*

PROVOST COURTS.

2476. Section 78 of said Act is hereby amended so as to read as follows:

"SEC. 78. JURISDICTION OF PROVOST COURTS OVER CIVIL AND CRIMINAL ACTIONS REPEALED, WITH CERTAIN EXCEPTIONS, AND ACTIONS PENDING THEREIN TO BE TRANSFERRED.—All military orders, and all acts conferring upon Provost Courts in the Philippine Islands jurisdiction over civil actions and criminal actions, including criminal actions in admiralty, are hereby repealed, except as in this section hereinafter provided. All civil actions now pending in the Provost Courts are hereby transferred to the proper tribunal in which they would have been brought under the provisions of this act, had this act been in force at the time such actions were commenced, and the Supreme Court and Courts of First Instance and Courts of Justices of the Peace established by this act are authorized to try and determine the actions so transferred to them respectively from the Provost Courts, in the same manner and with the same legal effect as though such actions had

originally been commenced in the courts created by virtue of this act: *Provided, however*, that the criminal jurisdiction of Provost Courts in any province or district exclusively under military control shall not be affected by this act, and Provost Courts in such provinces and districts shall have concurrent jurisdiction with the Courts of First Instance over criminal actions in admiralty." *Sec. 2, Act of the Philippine Commission of May 16, 1902 (No. 400).*

GENERAL COURTS-MARTIAL—CIVILIAN WITNESSES—FEES.

2477. Every person not belonging to the Army of the United States, who, in the Philippine Islands, being duly subpœnaed to appear therein as a witness before a general court-martial of said Army, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be punished by a fine of not more than five hundred dollars, United States currency, or imprisonment not to exceed six months, or both, at the discretion of the court, and it shall be the duty of the proper fiscal or prosecuting officer, on the certification of the facts to him by the general court-martial, to file in the proper court a complaint against and prosecute the person so offending: *Provided*, That one dollar and fifty cents, United States currency, for each day's attendance, and five cents, United States currency, per mile for going from his place of residence to the place of trial or hearing and five cents per mile for returning, shall be duly tendered to said witness: *Provided further*, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate him. *Sec. 1, Act of the Philippine Commission of April 28, 1904 (No. 1130).*

HABEAS CORPUS.

2478. Nothing in this chapter shall authorize the discharge of any person convicted of an offense or charged with an offense committed in any other part of the Philippine Islands, or in any part of the United States, and who, agreeable to law, ought to be delivered up to the executive power of the United States, or of any State thereof, where the offense is charged to have been committed; nor of any person suffering imprisonment under lawful judgment; nor shall any writ of habeas corpus be issued against a military officer or soldier who is detaining a prisoner in the Provinces of Batangas, La Laguna, Tayabas, Samar, Cebú and Bohol, and in any unorganized province or territory. It shall be a conclusive answer to a writ of habeas corpus against a military officer or soldier, and a sufficient excuse for not producing the prisoner in all other organized provinces than those herein named, if the Commanding General or any general officer in command of the

department or district shall certify that the prisoner is held by him either:

"1. As a prisoner of war; or

"2. As a member of the Army, a civilian employé thereof, or a camp follower and subject to its discipline; but this paragraph shall not apply to pending cases; or

"3. As a prisoner committed by a military court or commission prior to October 1, 1901; or

"4. As a prisoner arrested and held for trial before a military court or commission before October 15, 1901, for a violation of the laws of war committed before the same date; or

"5. As a prisoner guilty of violations of the laws of war committed in the unpacified provinces and territory in this section named and who has escaped into provinces officially declared to be under civil control and has been there captured by military authorities and is held for trial for such violations of the laws of war."

All the other provisions of this chapter shall be subject to the limitations and restrictions contained in this section. *Sec. 1, Act of the Philippine Commission of October 1, 1901 (No. 272).*

2479. So much of section one of Act Numbered Two hundred and seventy-two, entitled "An Act amending Chapter XXVI, relating to proceedings in habeas corpus, of Act Numbered One hundred and ninety, providing for a code of procedure in civil actions and special proceedings," as forbids the issuing of any writ of habeas corpus against a military officer or soldier who is detaining a prisoner in the Provinces of Batangas, La Laguna, Tayabas, Samar, Cebu, and Bohol, or in any other province which has been organized under "The Provincial Government Act," or by a special Act, or which may be hereafter so organized, is hereby expressly repealed. *Sec. 4, Act of the Philippine Commission of June 23, 1902 (No. 421).*

JURISDICTION OVER RESERVATIONS.

2480. SECTION 1. No licenses shall be granted for the sale of or dealing in any intoxicating liquors on any public land reserved by the President of the United States for military purposes in the Philippine Islands.

SEC. 2. The military authorities shall have the right to reject any intruder or trespasser on any public lands reserved by the President for military purposes in the Philippine Islands, and to suppress open breaches of the peace and abate nuisances thereon.

SEC. 3. No branch of the Civil Government in force on or over any public lands reserved by the President for military purposes, and no civilian residents thereon, shall interfere with military administration or the use of such lands for military purposes.

SEC. 4. The personal property of persons employed in the military service of the United States in the Philippine Islands and used by them incident to said service shall be exempt from all taxation under the laws in force in said Islands.

SEC. 5. No mining claims shall be located by any person on any public lands reserved by the President for military purposes in the Philippine Islands.

SEC. 6. Every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon lands of the United States, which in pursuance of law may be reserved or purchased for military purposes in the Philippine Islands, or removes any other public property, shall, upon conviction, be fined for each offense a sum not exceeding five hundred dollars, or be imprisoned for a period not exceeding twelve months, or both, in the discretion of the court.

SEC. 7. No arrest of any officer, soldier, or civilian employee, in the military service of the United States on any military reservation, camp, or barracks, shall be made except on warrant in due form in writing and served upon the commanding officer thereof.

SEC. 8. All laws or parts of laws in force in the Philippine Islands not inconsistent with military use of any public lands reserved by the President for military purposes shall be in full force and effect over said lands.

SEC. 9. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred. *Secs. 1 to 9, Act of the Philippine Commission of November 24, 1902 (No. 530).*

SALES OF LIQUOR.

2481. SECTION 1. No license shall be granted by a municipal council or other municipal authority or provincial authority for the sale of any intoxicating liquors, beer, or wine, at any place or on any premises situated within a distance of two miles of land now used or hereafter to be used by the United States for military purposes at Camp Stotsenberg, in the municipality of Mabalacat, Province of Pampanga; Camp Morrison, municipality of Salomague, Province of Ilocus Sur; Camp Jossman, municipality of Guimaras, Province of Iloilo; Camp Gregg, municipality of Bayambang, Province of Pangasinan; in or near the municipality of Los Baños, Province of La Laguna; in or near the municipality of Iligan, Province of Misamis; in or near the municipality of Batangas, Province of Batangas; in or near the municipality of Legaspi, Province of Albay; in or near the municipality of Sorsogon, Province of Sorsogon; in or near the municipality of Santo

Tomas, Province of La Laguna; at Fort William McKinley, near San Pedro Macati, Province of Rizal; or within a distance of one and one-half miles of land used or to be used by the United States for military purposes at Camp Wallace, in the municipality of San Fernando, Province of La Union; at Pasay barracks, municipality of Pasay, Province of Rizal; in or near the municipality of Nueva Caceres, Province of Ambos Camarines; in or near the municipality of Lucena, Province of Tayabas; in or near the municipality of Calamba, Province of La Laguna; or within a distance of one mile of land used by the United States for military purposes at Santa Mesa in the city of Manila: *Provided, however*, That the prohibitions herein provided shall not extend to the following-described land within the prohibited areas: Land situated on the left bank of the Pasig river within one mile of Santa Mesa in the city of Manila; land within a circle with a radius of five hundred and eighty yards with a center at the middle of the road in the immediate front of the parish church of the municipality of Batangas, Province of Batangas; land within a circle with a radius of four hundred yards with the center at the southwest corner of the prison in Albay, Province of Albay; land within a circle with a radius of four hundred yards with the center at the southeast corner of the old Tribunal at Daraga, in the Province of Albay; land within a circle of seven hundred yards with the center at the door of the church of San Rafael, in the town of Legaspi, Province of Albay; land within a circle with a radius of three hundred yards with the center at the door of the parish church in Santo Tomas, Province of Batangas; land within a circle with a radius of five hundred yards with the center at the center of the public square in the town of Pasig, Province of Rizal; land within a circle with a radius of seven hundred yards with the center at the center of the public square in the municipality of Nueva Caceres, Province of Ambos Camarines.

SEC. 2. Any person who shall sell, furnish or give away any intoxicating liquors, wine or beer, within the boundaries prohibited in the preceding section shall be punished for each offense by a fine not exceeding one hundred dollars, in money of the United States, or by imprisonment at hard labor not exceeding six months, or by both said punishments, in the discretion of the court.

SEC. 3. Persons to whom licenses have heretofore been granted for the sale of intoxicating liquors within the limits prohibited by this Act, and whose licenses have not yet expired, shall be entitled to be reimbursed, from the treasury into which their license fees have been paid, such a proportion of the fees paid as the time for which the license has yet to run bears to the whole time for which the license was granted; but shall be subject to all the penalties provided by law for selling, furnishing, or giving away intoxicating liquors without a license after this Act shall come into force.

SEC. 4. For the purpose of enforcing this Act, and for no other purpose, the commanding officers of the United States troops stationed at the places named in the first section of the law shall have the powers of a justice of the peace, as defined by existing laws. Prosecutions before such officers, acting as justices of the peace, shall be governed by the provisions of General Orders Numbered Fifty-eight, Office of the Military Governor for the Philippine Islands, dated Manila, Philippine Islands, April twenty-third, nineteen hundred, and the amendments thereof, and all rights of appeals secured by such order and the amendments thereof shall be allowed to defendants prosecuted under this Act. Any order for arrest issued by authority of this Act may be executed by a military officer or soldier designated for that purpose by the officer commanding, as justice of the peace. The imprisonment of defendants convicted under this Act shall be in the civil jail of the province, or the city of Manila, as the case may be. All questions of appeal shall be determined in the manner provided in said General Orders Numbered Fifty-eight. Commanding officers, acting as justices of the peace by virtue of this section, shall not be entitled to fees as justices of the peace for services so rendered; nor shall military officers or soldiers making arrests or serving process be entitled to fees for said services. All fines and costs imposed by virtue of this Act shall be paid into the treasury of the municipality in which the offense was committed, or into the Insular Treasury for the benefit of the city of Manila, as the case may be.

SEC. 5. For the purpose of avoiding future misunderstandings and of facilitating the enforcement of this Act, it shall be the duty of the commanding officer of the United States troops stationed at each of the places named in the first section of this Act to notify the municipal authorities of the municipalities affected hereby of the making of a survey and the running of the line of the precincts within which, by virtue of this Act, the licensing of saloons for the sale of intoxicating liquors is prohibited; and it shall be the duty of such commanding officer and of the municipal officers, after the line shall have been run, to notify all persons then engaged in the sale of intoxicating liquors within the prohibited territory of the operation of this Act and of the time within which they must remove their places of business.

SEC. 6. This Act shall take effect on the first day of May, nineteen hundred and three, except in so far as it applies to the saloons now licensed within the municipality of Bayambang, in the Province of Pangasinan, and the municipality of Los Baños, in the Province of La Laguna, and as to the municipality of Bayambang and the municipality of Los Baños, this Act shall take effect six months from the date of its passage. *Secs. 1 to 6, Act of the Philippine Commission of March 28, 1903 (No. 709).*

2482. SECTION 1. Section one of Act Numbered Seven hundred and nine, entitled "An Act prohibiting the traffic in intoxicating liquors within certain distances of land used by the United States for military purposes and at certain camps therein named," is hereby amended by inserting after the words "for military purposes at Santa Mesa in the city of Manila," and before the words "*Provided, however*," the following words: "or within a distance of three-quarters of a mile of land used by the United States for military purposes near the town of Calbayog, in the Province of Samar."

SEC. 2. Section one of said Act Numbered Seven hundred and nine is hereby further amended by adding at the end thereof the following words: "and land within a circle with a radius of seven hundred yards with the center at the middle of the road immediately in front of the parish church at Lucena, in the Province of Tayabas." *Secs. 1 and 2, Act of the Philippine Commission of May 31, 1904 (No. 1169).*

EMINENT DOMAIN.

2483. SECTION 1. Section two hundred and forty-one of Act Numbered One hundred and ninety, entitled "An Act providing a code of procedure in civil actions and special proceedings in the Philippine Islands," is hereby amended by adding at the end thereof the following words:

"The words 'public use' in this section shall include the use of land in these Islands for the construction and maintenance of military posts to be occupied by United States forces stationed in the Philippine Islands, and an action in the name of and on behalf of the Philippine Insular Government for the enforcement of the right of eminent domain for the public use thus described may be instituted under this section and the title acquired by the Philippine Government in this land shall be indefeasible and, in furtherance of the use herein described, may be by the Philippine Government, in accordance with a resolution of the Philippine Commission, transferred by a duly executed deed of the Civil Governor to the United States forever."

SEC. 2. An action for the enforcement of the right of eminent domain on behalf of the Government of the United States may be instituted in the name of the Government of the United States upon the direction of the President of the United States or the Secretary of War, or upon the application of the Commanding General of the United States Army, Division of the Philippines. *Secs. 1 and 2, Act of the Philippine Commission of March 5, 1903 (No. 665).*

LOCUST PEST.

2484. Nothing in Act Numbered Eight hundred and seventeen, entitled "An Act declaring that the presence of locusts in various provinces of the Islands so threatens the food supply for the coming year as to present a public emergency requiring radical action, and authorizing

and providing for the appointment of a board in each province with full powers to call upon all able-bodied inhabitants thereof to take united action to suppress the pest, and for other purposes," shall require the services in the suppression of the locust pest of officers or men of the Army or Navy of the United States, civil employees of the United States Government, officers or employees of the Insular Government, or the officers or servants of companies or individuals engaged in the business of common carriers on sea or land, or priests, ministers of the Gospel, physicians, practicantes, druggists or practicantes de farmacia actually engaged in business, or lawyers when actually engaged in court proceedings. *Sec. 1, Act of the Philippine Commission of August 17, 1903 (No. 834).*

RESIDENCE FOR VOTING.

2485. SECTION 1. Act No. 82, entitled "The Municipal Code" is hereby amended as follows:

* * * * * * *

(*c*) By adding at the close of section 6 the words "Provided, that officers, soldiers, sailors or marines of the Army or Navy of the United States shall not be considered as having acquired legal residence within the meaning of this section by reason of their having been stationed in the municipalities for the required six months."

* * * * * * *

Sec. 1, Act of the Philippine Commission of November 27, 1901 (No. 303).

TAXATION.

2486. SECTION 1. Section two of Act Numbered One hundred and thirty-three, entitled "An Act to amend the Provincial Government Act, Numbered Eighty-three," shall be amended by adding to subsection twenty-six thereunder, after the word "navy" in the eighth line of said subsection, the following: "or a civilian employee in the permanent employment of the War or Navy Department of the United States, who was not a resident of the Islands before his employment in such service, but was brought here for the purpose of such employment," so that the said subsection shall read as follows:

"SEC. 26. There shall be collected in each province, by the provincial treasurer, an annual tax of one peso or one dollar, Mexican, to be called the cedula or registration tax, from every male person of eighteen years of age and not more than fifty-five years of age residing in such province, whether a native of the Philippine Islands, a citizen of the United States, or a foreigner, except a soldier, sailor, or officer of the United States Army or Navy, or a civilian employee in the permanent employment of the War or Navy Department of the United States, who was not a resident of the Islands before his employment in such service, but was brought here for the purpose of such employment, a member of a non-Christian tribe, or a foreign consular officer exempted by

treaty or international law." *Sec. 1, Act of the Philippine Commission of June 1, 1903 (No. 785).*

GOVERNMENT OF THE MORO PROVINCE.

2487. SECTION 1. Section fifteen of Act Numbered Seven hundred and eighty-seven, entitled "An Act providing for the organization and government of the Moro Province," is hereby amended by adding at the end thereof the following:

"*Provided, however*, That the legislative council shall have the power to unite the offices of district secretary and district treasurer, and to provide for the filling of such offices, whether united or separate, by detail of Army officers without civil-service examination, in the interest of economy in the public service. Army officers thus detailed shall receive the same allowance and expenses from the provincial treasury as are allowed to detailed Army officers under section eleven of Act Numbered Seven hundred and eighty-seven." *Sec. 1, Act of the Philippine Commission of September 17, 1903 (No. 889).*

GOVERNMENT OF THE MORO PROVINCE—SALARIES.

2488. SEC. 11. The provincial governor shall receive an annual salary of six thousand dollars and each of the provincial officers shall receive an annual salary of not exceeding four thousand dollars each, in United States currency, to be fixed by the Civil Governor in the appointment and to be approved with the appointment by the Commission. The governors of the districts hereinafter authorized shall receive not exceeding three thousand five hundred dollars annual salary, in United States currency, to be fixed in the case of each district by the legislative council; and the district secretaries and the district treasurers hereinafter authorized shall each receive an annual salary of not exceeding two thousand five hundred dollars, in United States currency, to be fixed for each district by the legislative council. The lieutenant-governor of Dapitan shall receive an annual salary of not exceeding two thousand dollars, in United States currency, to be fixed by the legislative council. In case an officer of the Army is detailed to perform the duties of provincial governor, or provincial engineer, or a governor of a district, he shall receive an allowance equal to twenty per centum of his current proper yearly pay as an officer of the Army and the actual and necessary expenses incurred while absent from his station in the performance of his necessary civil duties.

The salaries of all officers and employees of the province and districts shall be payable out of the revenues of the province. The salaries of the officers and employees of such municipalities as may be organized within the province shall be payable out of the treasury of the respective municipalities. *Sec. 11, Act of the Philippine Commission of June 1, 1903 (No. 787).*

APPENDIX A.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CERTAIN POWERS FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864.

Signed at The Hague July 29, 1899.
Ratification advised by the Senate May 4, 1900.
Ratified by the President of the United States August 8, 1900.
Ratification deposited with the Netherlands Government September 4, 1900.
Proclaimed November 1, 1901.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention for the adaptation to Maritime Warfare of the principles of the Geneva Convention of August 22, 1864, was concluded and signed on July 29, 1899, by the Plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, China, Denmark, Spain, Mexico, France, Great Britain and Ireland, Greece, Italy, Japan, Luxembourg, Montenegro, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden and Norway, Switzerland, Turkey and Bulgaria, the original of which Convention, in the French language, is word for word as follows:

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia;

His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22nd August, 1864, have decided to conclude a convention to this effect:

* * * * * * *

ARTICLE I.

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

ARTICLE II.

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

ARTICLE III.

Hospital-ships, equipped wholly or in part at the cost of private individuals or officially recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent powers at the commencement of or during hostilities, and in any case before they are employed.

ARTICLE IV.

The ships mentioned in Articles I, II, and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital-ships the orders they give them.

Article V.

The military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a half in breadth.

The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a metre and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross provided by the Geneva Convention.

Article VI.

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, cannot be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

Article VII.

The religious, medical, or hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-Chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

ARTICLE VIII.

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

ARTICLE IX.

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated cannot serve as long as the war lasts.

ARTICLE X.

(Excluded)

ARTICLE XI.

The rules contained in the above Articles are binding only on the Contracting Powers, in case of War between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

ARTICLE XII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

ARTICLE XIII.

The non-Signatory Powers who accepted the Geneva Convention of the 22nd August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

ARTICLE XIV.

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In testimony whereof the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

* * * * * * *

And whereas on an understanding reached by the Government of the Netherlands with the signatory powers it was agreed to exclude from the ratifications of said Convention its Article X;

And whereas the said Convention, with its Article X excluded, was ratified by the Government of the United States, by and with the advice and consent of the Senate thereof, and by the Governments of the other Powers aforesaid, with the exception of those of China and Turkey;

And whereas, in pursuance of the stipulations of Article XII of the said Convention the ratifications of the said Convention were deposited at the Hague on the 4th. day of September, 1900, by the Plenipotentiaries of the Governments of the United States of America, Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Persia, Portugal, Roumania, Russia, Siam, Sweden and Norway and Bulgaria; on the 6th. day of October, 1900, by the Plenipotentiary of the Government of Japan; on the 16th. day of October, 1900, by the Plenipotentiary of the Government of Monténégro; on the 29th. day of December, 1900, by the Plenipotentiary of the Government of Switzerland; on the 4th. day of April, 1901, by the Plenipotentiary of the Government of Greece; on the 17th. day of April, 1901, by the Plenipotentiary of the Government of Mexico; on the 11th. day of May, 1901, by the Plenipotentiary of the Government of Servia, and on the 12th. day of July, 1901, by the Plenipotentiary of the Government of Luxembourg:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention, with its Article X excluded, to be made public, to the end that the same and every clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof,

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of November in the year of our Lord one thousand nine hundred and one, and
[L. S.] of the Independence of the United States, the one hundred and twenty-sixth.

THEODORE ROOSEVELT

By the President:
JOHN HAY
Secretary of State.

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APPENDIX B.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CERTAIN POWERS, WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND.

Signed at The Hague July 29, 1899.
Ratification advised by the Senate March 14, 1902.
Ratified by the President of the United States March 19, 1902.
Ratifications deposited with the Netherlands Government September 4, 1900.
Proclaimed April 11, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention with respect to the laws and customs of war on land was concluded and signed on July 29, 1899, by the Plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, Denmark, Spain, Mexico, France, Great Britain and Ireland, Greece, Italy, Japan, Luxembourg, Montenegro, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden and Norway, Turkey, and Bulgaria, the original of which Convention, in the French language, is word for word as follows:

CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND.

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial

Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles I and II of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to-wit:—

* * * * * * *

Who, after communication of their full powers, found in good and due form, have agreed on the following:—

ARTICLE I.

The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the Laws and Customs of War on Land" annexed to the present Convention.

ARTICLE II.

The provisions contained in the Regulations mentioned in Article I are only binding on the Contracting Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

ARTICLE III.

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at the Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel, to all the Contracting Powers.

ARTICLE IV.

Non-Signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

ARTICLE V.

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague the 29th July 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

ANNEX TO THE CONVENTION.

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND.

SECTION I.—ON BELLIGERENTS.

CHAPTER I.—*On the Qualifications of Belligerents.*

ARTICLE I.

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE II.

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with Article I, shall be regarded a belligerent, if they respect the laws and customs of war.

ARTICLE III.

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

CHAPTER II.—*On Prisoners of War.*

ARTICLE IV.

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers remain their property.

ARTICLE V.

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

ARTICLE VI.

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

ARTICLE VII.

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

ARTICLE VIII.

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen.

Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment for the previous flight.

ARTICLE IX.

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

ARTICLE X.

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honour, scrupulously to fulfill, both as regards their own

Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

ARTICLE XI.

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

ARTICLE XII.

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

ARTICLE XIII.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

ARTICLE XIV.

A Bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of interments and changes, as well as of admissions into hospital and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, &c., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

ARTICLE XV.

Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility,

within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of interment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their Regulations for order and police.

ARTICLE XVI.

The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

ARTICLE XVII.

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

ARTICLE XVIII.

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

ARTICLE XIX.

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the National Army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE XX.

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

CHAPTER III.—*On the Sick and Wounded.*

ARTICLE XXI.

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22nd August, 1864, subject to any modifications which may be introduced into it.

SECTION II.—ON HOSTILITIES.

CHAPTER I.—*On means of injuring the Enemy, Sieges, and Bombardments.*

ARTICLE XXII.

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE XXIII.

Besides the prohibitions provided by special Conventions, it is especially prohibited:—

(a.) To employ poison or poisoned arms:

(b.) To kill or wound treacherously individuals belonging to the hostile nation or army;

(c.) To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;

(d.) To declare that no quarter will be given:

(e.) To employ arms, projectiles, or material of a nature to cause superfluous injury;

(f.) To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

(g.) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

ARTICLE XXIV.

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered allowable.

ARTICLE XXV.

The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited.

ARTICLE XXVI.

The Commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

ARTICLE XXVII.

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

ARTICLE XXVIII.

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*On Spies.*

ARTICLE XXIX.

An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in baloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

ARTICLE XXX.

A spy taken in the act cannot be punished without previous trial.

ARTICLE XXXI.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*On Flags of Truce.*

ARTICLE XXXII.

An individual is considered as bearing a flag of truce who is authorized by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flag-bearer, and the interpreter who may accompany him.

ARTICLE XXXIII.

The Chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE XXXIV.

The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*On Capitulations.*

ARTICLE XXXV.

Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honour.

When once settled, they must be scrupulously observed by both the parties.

CHAPTER V.—*On Armistices.*

ARTICLE XXXVI.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE XXXVII.

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

ARTICLE XXXVIII.

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

ARTICLE XXXIX.

It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theatre of war, with the population and with each other.

ARTICLE XL.

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

ARTICLE XLI.

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY.

ARTICLE XLII.

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

ARTICLE XLIII.

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE XLIV.

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

ARTICLE XLV.

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

ARTICLE XLVI.

Family honour and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property cannot be confiscated.

ARTICLE XLVII.

Pillage is formally prohibited.

ARTICLE XLVIII.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment

in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

ARTICLE XLIX.

If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

ARTICLE L.

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it can not be regarded as collectively responsible.

ARTICLE LI.

No tax shall be collected except under a written order and on the responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

ARTICLE LII.

Neither requisition in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

ARTICLE LIII.

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as depôts of arms and, generally, all kinds of war material, even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

ARTICLE LIV.

The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

ARTICLE LV.

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

ARTICLE LVI.

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

SECTION IV.—ON THE INTERNMENT OF BELLIGERENTS AND THE CARE OF THE WOUNDED IN NEUTRAL COUNTRIES.

ARTICLE LVII.

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

ARTICLE LVIII.

Failing a special Convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

ARTICLE LIX.

A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE LX.

The Geneva Convention applies to sick and wounded interned in neutral territory.

* * * * * * *

And whereas the said Convention was duly ratified by the Government of the United States of America, by and with the advice and consent of the Senate thereof, and by the Governments of the other Powers aforesaid with the exception of Sweden and Norway and Turkey;

And whereas, in pursuance of the stipulations of Article III of the said Convention the ratifications of the said Convention were deposited at The Hague on the 4th day of September, 1900, by the Plenipotentiaries of the Governments of Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Persia, Portugal, Roumania, Russia, Siam, and Bulgaria; on the 6th day of October, 1900, by the Plenipotentiary of the Government of Japan; on the 16th day of October, 1900, by the Plenipotentiary of the Government of Montenegro; on the 4th day of April, 1901, by the Plenipotentiary of the Government of Greece; on the 17th day of April, 1901, by the Plenipotentiary of the Government of Mexico; on the 11th day of May, 1901, by the Plenipotentiary of the Government of Servia; on the 12th day of July, 1901, by the Plenipotentiary of the Government of Luxembourg; and on the 5th day of April, 1902, by the Plenipotentiary of the Government of the United States of America:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eleventh day of April, in the year of our Lord one thousand nine hundred and two, and of
[SEAL] the Independence of the United States the one hundred and twenty-sixth.

THEODORE ROOSEVELT

By the President:

DAVID J. HILL,

Acting Secretary of State.

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